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LOCAL LAWS

OF THE

STATE OF INDIANA,

PASSED AT THE

THIRTY-FOURTH SESSION

OF THE

GENERAL ASSEMBLY.

BY AUTHORITY.

INDIANAPOLIS:
JOHN D. DEFREES, STATE PRINTER,
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LOCAL LAWS.

CHAPTER I.

An Act for the relief of Chris Miller, of the County of Tippecanoe.

[APPROVED DECEMBER 11, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Chris Miller, who was twenty years of age on the 2d day of April, 1849, and who is the son of Abram C. Miller, deceased, late of the county of Tippecanoe, and State of Indiana, be, and the said Chris Miller is, hereby declared to be of full age and capacity to make contracts, manage his estate and property, real and personal, and dispose thereof in any manner that persons who have arrived at the age of twenty-one years might or could.

Sec. 2. That from and after the passage of this act, the said Chris Miller shall not be permitted to set up his infancy in avoidance of any contract, agreement, or undrtaking by him in any manner hereafter made or entered into.

Sec. 3. This act to be in force from and after its passage.

CHAPTER II.

An Act for the relief of Charles Warner.

[APPROVED DECEMBER 11, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Charles Warner be, and he is hereby allowed the sum of twelve dollars for four days' services rendered in fitting up the

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Senate chamber, and making fires previous to and at the commencement of the present session.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER III.

An act to amend an act entitled "An act to incorporate the Milton and Waterloo Turnpike Company," approved February 11th, 1849.

[APPROVED JANUARY 16, 1850.]

WHEREAS, For the purpose of continuing the succession of the said Milton and Waterloo Turnpike Company, as a corporate body, as at present organized, and to legalize, confirm, and ratify the acts and proceedings of said turnpike Company, done by them in the organization thereof,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the aforesaid Milton and Waterloo Turnpike Company be and is hereby declared to be duly organized, and that all acts and proceedings of said company heretofore done and executed, or agreed to be done and performed by the said company, to any person or persons, or done, executed, and performed, or agreed to be done, or promised to said company, or to any person or persons in behalf or for the benefit of the said company, by any person or persons, are declared to be valid and binding in law, on all parties thereto promising, agreeing to, or having executed the same; and that all contracts heretofore made by, for, or with the said company, are declared to be binding and of full force in law against each and every person or persons who have made or entered into contracts with said company, or any person or persons for the benefit of the same: *Provided*, That the said contracts were executed or entered into by the parties thereto, at the time thereof, in good faith, and were within the powers or for the benefit of said company, and not in violation of any public law of the State of Indiana.

Sec. 2. The capital stock of said company shall consist of twenty-five thousand dollars, which may be increased at any time to any sum not exceeding double that amount, that may be deemed expedient to carry into execution the legitimate objects of said company, and said stock shall be deemed personal property.

Sec. 3. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, company, county, or state, to be paid for in cash, labor, or any kind of property, real or personal, that may be agreed upon, and in such way and manner, and at such times and places as shall be by the company prescribed.

Sec. 4. So soon as may be deemed expedient after fifteen thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time and place for holding an election for five directors, each of whom shall be a stockholder; said commissioners shall in all things manage said election, and give proper certificates to the persons elected, who shall hold their office for one year, and until their successors are duly elected and qualified; but said first election shall not take place until five dollars on each share subscribed shall have been paid or secured to the company.

Sec. 5. At said election, and at each subsequent election, each stockholder shall have one vote on each share up to ten; one vote on every two shares above ten up to thirty; one vote on every three shares above thirty up to sixty; and one vote on every four shares above sixty up to one hundred, votes, and each stockholder may vote in person, or by proxy given in writing.

Sec. 6. The time, place, and manner of holding all subsequent elections of directors shall be regulated by the by-laws of the company; except that the elections shall be annual, as nearly as may be convenient.

Sec. 7. As soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company. Said directors shall choose one of their number to act as president; they shall also appoint a secretary and treasurer, and the mode of organization and qualification shall be continued and observed by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business, and to supply any vacancies that may occur in their own body.

Sec. 8. The said company, by their agents, shall have full power from time to time to examine, survey, mark, and locate the route for a turnpike road, commencing at the town of Milton in the county of Wayne, through Waterloo in the county of Fayette, to Brownsville in the county of Union, said road to run on the best ground for the interest of said company and the convenience of the public, through any improved or unimproved land. And said company by their agents shall have full power to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or any other materials necessary for the construction of said road; and the said company, their agents, or others authorized by them, shall have full authority to enter on all lands adjoining to, or in the vicinity of said turnpike road as located, and to dig and cut down, take and carry away, so much stone, gravel, wood, or other materials, as may be necessary for the construction and repair of said road, which shall not have been appropriated by the owner for any particular purpose; but no such materials shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be determined, and either paid or tendered: *Provided however*, That in all cases where any

person through whose land the said road may run, or on whose land the said materials may be found, shall refuse to relinquish the same, or where a contract between the parties cannot be made for said materials, it shall be lawful for said company, their agent, or contractor, to give notice to any justice of the peace of the county where such difficulties may occur, that such facts do exist, and such justice of the peace shall summons, by the sheriff of said county, the owner of such land or materials to appear before him on a particular day within ten days thereafter, and shall appoint three disinterested freeholders of said county, who, after taking an oath or affirmation faithfully and impartially to assess the damages, if any, shall view the land or materials, and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, report thereon whether such person is entitled to damages or not, and if so, how much; but in estimating the value of the materials, the assessor shall do so at cash value, without reference to any value being given them by the construction of said road; whereupon said justice shall enter judgment thereon, unless for good cause shown; and on either party showing good cause, the justice may grant a review of the premises, either with or without costs: *Provided however*, That either party may appeal from such judgment within thirty days, to the circuit court of the proper county, and such court shall appoint viewers, as above directed, who shall report at that or the next term of said court, in the discretion of the court, whose judgment shall be final; but no appeal shall be allowed from said justice for any informality in his proceedings, nor shall any matter be tried in said circuit court except the assessment of damages, or value of the land or materials; nor shall said appeal delay the immediate construction of said road through the said land, or the removal and use of materials by the appellee: *Provided*, Said appellee will pay said assessment into the hands of said justice for the use of said appellant within thirty days from the rendition of the same, with all the costs awarded against the said appellee. On all appeals under this section of this act to the circuit court from any judgment aforesaid, unless the said appellant shall recover a judgment in said circuit court on said assessment, for a sum exceeding the assessment before the justice, of five dollars if defendant below, or if plaintiff before said justice, the assessment from which he appeals must be reduced in said circuit court not less than five dollars, otherwise said appellant will not recover in said circuit court any costs of the appellee.

Sec. 9. If any person or persons shall wilfully and knowingly injure or obstruct said road, or anything belonging thereto, such person or persons, on conviction thereof before any court of competent jurisdiction, shall pay for the use of said Company twice the amount of damages done, and costs of suit.

Sec. 10. Plain and accurate accounts of the receipts and expenditures of said Company, specifying clearly the nature of each, hall be kept by the company, and shall, at all times, be subject to

the inspection of the stockholders, when any two of them shall apply at the same time for such inspection.

Sec. 11. The service of legal process on the president, treasurer, or secretary of said company, shall be held in all courts and places, a sufficient service on said company; and on the trial of all suits and prosecutions brought by said company, the regularity of all their proceedings to entitle them to sue or prosecute, shall be presumed; but no common law ground of defence when made to appear, shall by anything therein contained be so construed to have been taken away.

Sec. 12. The signature of the president of said company, attested by the secretary, shall be deemed full evidence and authentication of any act of the company, unless it may be in such cases as the by-laws may require to be authenticated by the common seal of the company, and such a seal they are authorized to devise, adopt, and use.

Sec. 13. Said company shall, under pain of forfeiture of their charter, begin the construction of said road within two years, and finish the same within five years, and at any time after fifteen years from the completion of said road, the State may buy up the same from said company at cost.

Sec. 14. That when said corporation shall have procured the right of way as herein provided, they shall be seized of the right to such land, and shall have the sole use and occupation of the same during the time the same be occupied for said road, and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or effect the profits of said corporation.

Sec. 15. That if from any cause whatever the funds of the said company shall be found inadequate to meet the payments due to the contractors on said road for its construction or completion, the said company are hereby authorized and empowered to borrow on the stock and credit of said company, any sum of money for a temporary purpose, not exceeding one-fourth the amount of the subscribed capital stock of said company; but the directors shall not grant any special pledge of the stock, works, or capital of said company for the payment or redemption thereof.

Sec. 16. That the following shall be the rates of toll to be demanded and received of all persons traveling said road, viz: for every five miles of said road, and in the same proportion for any less distance, for every four wheeled carriage or wagon drawn by two horses or oxen, twelve and one-half cents; for every horse or other animal in addition thereto, three cents; for every two wheeled carriage drawn by two horses or other animals, eight cents; for every horse or other animal in addition thereto, three cents; for every sleigh or sled drawn by two horses or oxen, six and one-fourth cents; for every horse or animal in addition thereto, two cents; for every horse and rider, three cents; for every horse,

mule, or ass, six months old and upwards, one and one-half cents; for every head of sheep or hogs, one cent; for every four wheeled pleasure carriage drawn by two horses, twenty-five cents; for every additional horse or other animal, three cents; for every gig, chaise, buggy, cart, or other vehicle drawn by one horse or other animal, six and one-fourth cents: *Provided*, That such persons shall be exempted from the tolls aforesaid, as are specified in the next succeeding section of this act: *Provided, however*, Should the bridge across the west fork of White Water not be completed at the time the said turnpike is finished, the company shall have the right of demanding and receiving toll until said bridge is completed, which must be done within a reasonable time after the erection of gates and receiving toll on said turnpike.

Sec. 17. That if any person or persons using said road, shall, with intent to defraud said company, or to avoid the payment of tolls, pass through any private gate or bars, every such person concerned in said fraudulent practice, or who shall use any fraudulent means to evade the payment thereof for himself or others, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs in an action of debt at suit of said company, before any justice of the peace in said counties of Wayne, Union, or Fayette, on which judgment no stay of execution shall be allowed: *Provided*, Nothing in this act shall be so construed as to prevent persons from using said road for neighborhood purposes.

Sec. 18. That said company shall put up a post or stone at the end of each mile, with the number of miles from Brownsville to Milton, fairly cut or printed thereon, and also in a conspicuous place at or near each gate, they shall place a board with the rates of toll fairly painted thereon, and no tolls shall be demanded unless said rates are kept up as herein provided.

Sec. 19. That if any toll-gatherer on said road shall unreasonably detain any person or passengers after the toll has been paid or tendered, or who shall demand and receive greater toll than is by this act allowed, he shall, for every such offence, forfeit a sum not exceeding ten dollars to the party aggrieved, to be recovered before any justice of the peace having jurisdiction thereof, with costs, at the suit of the State of Indiana: *Provided*, Such suit is commenced within twenty days from the committing of such offence.

Sec. 20. That it shall be the duty of said board to declare annually whatever dividend shall be paid to the stockholders of said company on their respective shares, which shall be payable at the office of the treasurer of said company, but no dividend shall be paid until the whole debts of the company are fully discharged and liquidated for the construction of said road, and all moneys that may have been borrowed by the directors for the use of said company.

Sec. 21. That the said company shall be, and they are hereby authorized and empowered to demand and receive the same rate of toll, herein specified, from the rider, driver, or owner of any

horse, carriage, or vehicle conveying the mail of the United States, that they may demand of, and from any other person using, driving, riding, or passing over said turnpike road; and service on either of said persons, shall be deemed and held a service on the owner or owners of said carriage, or other vehicle, and may recover said tolls before any justice of the peace having jurisdiction thereof, in an action of debt, with costs of suit, any law to the contrary notwithstanding: *Provided, however*, That the said company shall not stop or detain said mail, or any person, horse, or carriage conveying the same, for the payment of the toll thereof, unless when taken on execution for said debt.

Sec. 22. That after the completion of said road and the demanding and receiving of tolls thereon by the said company, if by the wilful neglect of the said company, the said road should become impassable for want of repair or otherwise, and continue so for the space of ten days next ensuing from notice, any person feeling himself aggrieved or injured by such neglect, may make complaint to any justice of the peace of the county of Union, whose duty it shall be forthwith, to appoint three disinterested freeholders of said county to examine the part of the road complained of, and report to him immediately; and if, in their opinion, the road is not in a state of repair, contemplated by this act, the justice of the peace aforesaid, shall certify the same to the gate-keeper or keepers on said road, forbidding them to charge or receive any toll thereon, until said road is fully repaired, and made sufficient for travel thereon.

Sec. 23. That the said company shall have full power to call for such proportion of the stock subscribed, not exceeding twenty-five per centum of the amount of stock every six months, as they may deem proper, to be paid at such time and place as they may designate, by giving sixty days notice in some weekly newspaper published in the counties of Wayne, Fayette, and Union, or if there is none published in either of said counties, then in one of the adjoining counties, or by posting up six written or printed notices, in six of the most public places in said counties, and in all such notices, the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, or before suit brought for the same, the said company may bring suit against such delinquent for the amount due in any court of competent jurisdiction, in an action of debt, and recover the amount with two per centum per month interest thereon for such detention; and if the amount of judgment recovered cannot be made on execution, or if such delinquent has gone out of the State, then the said company may, by an order on their books, declare said stock forfeited to the company, with whatever amount may have been paid thereon, and the same shall be absolutely forfeited to said company.

Sec. 24. Certificates of stock shall be given to the stockholders

when said stock is paid, which shall be evidence of the amount of stock held; they shall be signed by the President, and countersigned by the Clerk of such company, and such stock shall only be transferable on the books of the company under the hand of the owner or his representative, lawfully appointed; but the said stock shall at all times be holden by said company, for any debt due by said owner to the company, or for any sum that may thereafter become due, on a contract made by said owner to said company prior to such transfer.

Sec. 25. That for the purpose of finishing and completing said turnpike, and paying the contractors thereof, and for their work and labor and materials furnished for the construction and completion of the same by them, the said company, by its board of directors, shall have full power and authority to levy a tax on the stockholders of said company, not exceeding ten per cent. on each share held by each stockholder, payable annually, according to the mode adopted for the payment of the installments of the original stock, which levy and tax may be enforced by suit at law, or on refusal to pay the same by any stockholder thereof, the board may declare forfeit the shares held by such stockholder, redeemable only within one year from date of forfeiture, by the payment of tax, interests, and costs: *Provided, however*, That the said board shall use all lawful and reasonable endeavors to obtain an enlargement of the number of stockholders of said company, and to increase the number of shares held by them, before assessing said levy or tax.

Sec. 26. That the said company shall have the power and authority to extend their line of road from Milton to Cambridge, should it be found beneficial for said company so to do, and the convenience and interest of the public subserved by such extension, and when such extension is so made and completed, the company shall have the authority to collect toll thereon in accordance with the rate of toll charged on the original line, and the same shall be held and owned by the company in the same manner, as the original line of road is by said company held and enjoyed, subject to all the penalties, and entitled to all the privileges of the same.

Sec. 27. That the act "being an act to incorporate the Milton and Waterloo Turnpike Company," approved February 11th, 1848, except the first section thereof, and all laws and parts of laws contravening the provisions of this act, so far as they relate to the Milton and Waterloo Turnpike Company, and the government of said corporation, be, and are hereby repealed.

Sec. 28. This act to be in force from and after its passage, and shall be deemed a public act, and construed liberally for all beneficial purposes; all costs taxed under it shall be taxed according to the rules of the courts in which the cases are decided; valuators to receive jurors' fees, and the sheriff for his services, his usual fees for such service; defendants may plead the general issue, and under it may give in evidence any and every matter in defence in all actions brought under this act.

CHAPTER IV.

An Act to amend an act, entitled "An act to incorporate the Madison and Napoleon Turnpike Company."

[APPROVED DECEMBER 10, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so soon as three hundred shares of the capital stock of said company shall be subscribed, the directors shall have the power, and are hereby authorized to put any portion of said road under contract, and that the previous acts of said company in reference to this subject be legalized.

Sec. 2. That the corporation shall have the right to make any portion they may think proper of said road of plank and earth, by laying at least eight feet in width of the same with plank, and ten feet in width of earth, stone, or gravel, making a road eighteen feet wide.

Sec. 3. That the following shall be the rates of tolls for every ten miles of said road, to-wit: For every carriage, wagon, or other vehicle, drawn by one horse or other animal, fifteen cents; for each horse or other animal in addition, five cents; for each sled or sleigh drawn by one horse or other animal, ten cents; for each horse or other animal in addition, five cents; for each horse and rider, ten cents; for each horse, mule, or ass six months' old and upwards, led or driven, not exceeding three cents; for each head of neat cattle, six months' old or upwards, not exceeding two cents; and each hog or sheep, one cent; and one-half said amounts for each five miles of said road: *Provided*, That persons going to and returning from places of public worship on the Sabbath day, and funeral processions shall pass free.

Sec. 4. Such company may make, enact, and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel upon such road, and the rules to be observed by persons in meeting or passing with teams and vehicles, and all other matters which may be deemed for the welfare of such company. Any person violating any ordinance or by-law made by such company, shall forfeit and pay to such company for each offence the sum of five dollars, to be sued for and collected by such company, in an action of debt, before any justice of the peace, or other court having jurisdiction of the county where the offender may be found.

Sec. 5. This act shall be in force from and after its passage.

CHAPTER V.

An Act to give the Monroe Circuit Court jurisdiction of a cause therein named.

[APPROVED DECEMBER 11, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Peter Bollenbacher, of the county of Monroe, be and he is hereby permitted to file his bill for divorce against Amelia Bollenbacher, his wife, in the Monroe circuit court, and that the said court be empowered to entertain the same and adjudicate thereon without regard to the length of time that said Bollenbacher has been a resident citizen of this State, any law of this State to the contrary notwithstanding.

Sec. 2. The said court shall in all other matters touching said cause observe and conform to the established law and practice of the State.

Sec. 3. It is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk of the Monroe circuit court.

Sec. 4. This act to be in force from and after its passage.

CHAPTER VI.

An Act legalizing the proceedings of the Trustees of the corporation of the town of Vevay.

[APPROVED DECEMBER 13, 1849.]

WHEREAS, The Trustees of the corporation of the town of Vevay have appointed the Treasurer of said corporation collector of a special tax assessed by said Trustees on lots in said town fronting on Ferry and Union streets in said town to defray the expenses incurred in improving said streets: AND WHEREAS, Doubts are entertained whether said Treasurer, according to the provisions of the charter of said town, can lawfully enforce the collection of said special tax by distress and sale of said lots, or any portion thereof: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the Board of Trustees of said town, in the appointment aforesaid, are hereby legalized, and the Treasurer of the corporation of said town, by virtue of said appointment, may, if necessary, enforce the collection of said special tax, or such part thereof as may remain unpaid, by distress and sale of such lots or parts of lots on which the said tax, or any part thereof, may remain unpaid, in the manner prescribed by the charter of said town; and all sales made by such Treasurer shall be as valid as though the same had been made by the Treasurer of Switzerland county, and said Treasurer shall be allowed such compensation for collecting said tax as the Trustees of said corporation may deem just and reasonable, any law or laws regulating or relating to the corporation of the town of Vevay to the contrary notwithstanding.

Sec. 2. This act to be in force from and after its passage and publication in the Indiana Palladium, printed and published in said town.

CHAPTER VII.

An Act for the relief of certain Turnpike Companies therein named.

[APPROVED DECEMBER 13, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in the trial of any claim for damages for the location and construction of the Centerville and Abington Turnpike, or the Centerville and Williamsburgh Turnpike, it shall be the duty of the arbitrators, or courts, or jury trying the same, to take into consideration, and allow against any claimant of such damages, all benefits to such real estate, and any and all real estate of such claimant adjoining the real estate injured, and all real estate of such claimant lying within one mile of such road, and deduct such benefits from the injury complained of.

Sec. 2. So soon as either of said Turnpikes shall be graded and graveled for one-half the length of the entire line of such road continuously, the directors of the same may erect toll gates, and collect toll *pro rata*, for travel on the same for the entire continuous distance graded and graveled as aforesaid.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER VIII.

An Act to amend an act to incorporate Anderson's Collegiate Institute.

[APPROVED JANUARY 3, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That section first of the said act be so amended as to read as follows, viz: That John B. Anderson, James Wood, and Isaac N. Candee, and their successors in office, be, and they are hereby constituted a body corporate and politic in law by the name and style of the "Trustees of the Anderson University," and by said name and style shall have succession and exist forever; that they may increase their number to seven, and shall never have less than three; that they shall fill vacancies arising from death, resignation, or any other cause, as soon after their occurrence as it is convenient to hold a meeting, unless such vacancies leave the board with three or more members, in which case it shall be optional with the trustees to fill them or not; that they shall have power to make such by-laws consistent with the provisions of the charter as they may deem necessary to carry out the design of the institution, and to declare vacant the seat of any trustee who shall disregard or violate these laws; that they shall meet annually at or near the close of each collegiate year, and at such other times as they may choose, either by adjournment or at the call of the President of the board, or the request of two members; that at each annual meeting, one member in alphabetical order shall go out of office, but may be re-elected: *Provided, however*, That if the board shall neglect or not deem it expedient to go into an election at that time, and if the number of members does not exceed three, the said trustee shall continue to hold his office until an election shall take place.

Sec. 2. *And be it further enacted*, That the phraseology of sections two and three be so amended as to make it conformable to the preceding amendment of section first in the manner following, to-wit: That the word "trustee" in section second be altered to "trustees;" that the word "he," referring to the same, be changed into "they;" and the words "he is," into "they are;" that in the first clause of section three the words "the said trustee shall be *ex officio* president of the institution, and shall have power," &c., be so changed as to read as follows: "The said trustees shall have power to appoint a president, vice president, &c.;" and that in the same section where occurs the name "Anderson's Collegiate Institute," it be amended so as to read the "Anderson University."

CHAPTER IX.

An Act to incorporate the Union Turnpike Company.

[APPROVED JANUARY 8, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John McCrea, Bonaparte L. Goodwin, Zephannah Penticost, William L. Smith, and Jacob Lybrook, and their successors in office, duly elected and qualified, be, and the same are hereby, created a body corporate and politic, by the name of the "Union Turnpike Company," with full powers to sue and be sued, to answer and be answered unto, to plead and be impleaded, defend and be defended in any court of justice in this State, and to adopt such by-laws not contrary to the laws of this State as they may think best, to have a common seal, and to alter or change the same at pleasure.

Sec. 2. The directors named in the first section of this act shall, at such time and place as they may deem best, cause books to be opened for the subscription to the capital stock of said company, and no share of stock shall be for less than twenty-five dollars, and when the sum of five thousand dollars is subscribed, and five per cent. either paid in cash or by cash notes to the directors aforesaid, said company shall be deemed duly organized; and the stockholders of said company shall, at an early day, be assembled by an order of the board of the directors aforesaid, and shall elect by ballot five directors for the ensuing year, three of whom shall constitute a quorum for doing business.

Sec. 3. The said company, by itself or agents, shall have full power from time to time to examine, survey, mark, and locate a route for a turnpike road from or near Powell's tavern, intersecting the College Corner and Liberty Turnpike Road, to or near Jacob Lybrock's, intersecting the Richmond Turnpike Road running from Richmond, in Wayne county, by Boston to Hamilton, running on the best ground for the interest of said company, so as to pass near the cross-roads at said B. L. Goodwin's store, and may lay the same on, along, or across any State or county road in the county of Union; and said company shall have all the powers, privileges, and rights as a Turnpike Company which the College Corner and Liberty Turnpike Company now have, and shall in all things be governed by the act incorporating said company, and the amendments thereto, not inconsistent with the provisions of this act.

Sec. 4. Said company shall have full power to erect toll gates on said road, when the same is finished and completed, and shall have full power to demand and receive the same rates of toll for all travel thereon as charged, and is allowed to be charged by the College Corner and Liberty Turnpike company, subject to all the exceptions specified in said act or its amendments.

Sec. 5. The said company, in its general government, shall in all things be governed by the amended act of the said College Corner and Liberty Turnpike Company, not inconsistent with this act, and shall be liable to all pains and penalties specified therein for any violation of their duties as a company; and all persons injuring or destroying said turnpike, or any of its appurtenances or appendages, shall be liable to all the pains and penalties for said violation or violations done by them, which they would be liable to for such acts done by them to the College Corner and Liberty Turnpike.

Sec. 6. The capital stock of said company shall be ten thousand dollars, divided in shares of twenty-five dollars each, which capital stock may be increased or diminished at the will of the board of directors and stockholders of said company.

Sec. 7. This act shall be in force from and after its passage, and shall be deemed a public act and liberally construed for all beneficial purposes.

CHAPTER X.

An act to amend an act entitled "an act to authorize a company to construct a turnpike road from the point where the present State road from Oxford to Connersville crosses theState line of Ohio and Indiana to Connersville."

[APPROVED JANUARY 3, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said company, in the construction of the said turnpike, may reduce the gravel track thereof to eighteen feet wide: *Provided*, That the directors of said company shall find it beneficial and necessary to do so for the interests of the company.

Sec. 2. That the said company shall have full power and authority to survey, mark, locate, and construct said turnpike, commencing at the point originally specified in the original charter of said company, and running thence by Billingsville, Joseph Brown's store, Roseburgh, and Dunlapsville, to Connersville, to be laid out on the best ground most suitable for said road, the interest of the company, and the convenience of the public, as the board of directors may order or direct.

Sec. 3. The said company shall have the same power, privileges, and authority to obtain materials for the repairs of said turnpike which the company now has for its construction, subject to all the rules and regulations named in the original act of incorporation.

Sec. 4. This act to be in force from and after its passage.

CHAPTER XI.

An act to protect from waste certain lands therein mentioned.

[APPROVED DECEMBER 13, 1849.]

Whereas, It is represented to this General Assembly that in the year of our Lord one thousand eight hundred and twenty, one Evans Thomas, a subject of the kingdom of Great Britain, entered, at the Land Office at Jeffersonville, the west half of the south east quarter, of section thirty-two, township eight north, of range six east, containing eighty acres, and returned to Great Britain and died without ever having declared his intention of becoming a citizen of the United States, or ever having resided therein, and without leaving any heirs entitled to inherit the same;

And Whereas, Said land being wholly unimproved is suffering great waste of timber, &c.; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the County Treasurer of Bartholomew county be and he is hereby authorized and required to cause the said land, to-wit: the west half of the south east quarter of section thirty-two, township eight, range six, to be sold to the highest bidder upon a credit of twelve months, first having given three weeks' notice of the time and place of said sale in two public newspaper printed and published in said county. Said Treasurer in making said sale shall take a note with snfficient security, without relief from valuation laws, for the purchase money.

Sec. 2. Upon the full payment of the purchase money said Treasurer shall execute to the purchaser a deed in fee simple which shall fully fully vest in said purchaser a good and legal title for said land.

Sec. 3. Said Treasurer after having collected the purchase money for said land, shall within six days thereafter pay over to the Treasurer of State, of the State of Indiana, said purchase money, which shall be subject thereafter to the laws in relation to moneys in said treasury arising from estates without known heirs. Said County Treasurer may, however, retain out of said moneys a reasonable compensation for his trouble and expenses, to be allowed him by the probate court of said county.

Sec. 4. This act to take effect and be in force from and after its publication in the "Indiana State Journal" and "Sentinel."

CHAPTER XII.

An act to amend the charter of the Rushville and Shelbyville Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Rushville and Shelbyville Railroad Company, to raise money for the purpose of paying debts which have been contracted by the construction of said road, and to pay debts which may hereafter be contracted by said company for the purpose of completing said road and finishing the same with all necessary locomotives, cars, and other appendages, may issue bonds of any denominations not less than fifty dollars and to any amount not exceeding the sum of seventy-five thousand dollars, drawing any rate of interest not exceeding seven per cent., the principal and interest payable at such time or times and place or places as the said company may deem expedient, and the said bonds to dispose of at such rate of discount as may be agreed upon by the parties.

Sec. 2. Said bonds shall be signed by the President of the company, and attested by the Secretary, and may in the discretion of said company be made a lein on the road, in such manner and order as said company shall direct, by mortgage or otherwise.

Sec. 3. That in additional to the rights now conferred upon said company by virtue of the provisions of its charter it is hereby authorized and empowered to enter upon any real estate adjoining or near to the depots of said company, and take possession of the same so far as to mark and lay out such streets and alleys from such depot to other streets, alleys, and highways not exceeding forty rods in length and of any width not exceeding seventy feet as may be necessary for the convenience of said company, and the accommodation of the public, such streets, when so laid out and opened, shall be considered public highways.

Sec. 4. When real estate for the purpose named in the foregoing section cannot be obtained by donation or fair purchase from the person holding the legal title, he may file his claim for damages, and said claim, except as hereinafter provided, shall be adjusted, and the damages assessed in the same manner as though it were a claim for damages by the owners of lands through which the road had passed, in accordance with the provisions of the charter of said company: *Provided, however*, That such claim for damages shall be filed within three months after the real estate is taken possession of, and no damages shall be assessed on any claim filed after such period, and only in favor of the person holding the legal title to the real estate taken.

Sec. 5. Said appraisers or court in estimating the damages of such claimant, shall take into consideration the advantages said road may be to the other real estate of the claimant adjoining or contiguous to that taken, or within one mile thereof; and if said real estate shall have been conveyed to the claimant after said

streets are taken possession of and laid out, with a full knowledge of the facts then, in that case, the appraisers and court estimating the damages as aforesaid which the road may be to the person who owned the land at the time it was taken.

Sec. 6. Hereafter the stockholders of said company, in the election of directors, shall each be entitled to cast as many votes as he may own shares of stock.

Sec. 7. Said company to pay the debts thereof contracted in the construction of said road, unless each stockholder come forward and pay the rateable assessment on his stock, as hereinafter contemplated; shall have the power, and it shall be lawful for it, from time to time, to expose the stock for sale, and sell the same to the highest bidder, or so much thereof as may be requisite to raise the required amount of money on such terms, and under such regulations and restrictions as the board of directors may deem expedient: *Provided, however*, That the requisition so made shall not exceed in any one year ten per centum of the whole amount of stock, and all of such requisitions shall not exceed fifty per centum of the whole amount of stock.

Sec. 8. At least sixty days' notice of such assessment and requisition shall be given by the company to the stockholders, in one or more public newspapers published in the county of Rush, or by personal notice in writing to each stockholder, which notice shall include the amount of the requisition on each share of stock, the place of payment, and unless the same shall be paid in cash on or before the day of sale, so much of the stock as will make the amount of the requisition, shall be publicly sold at the office of the secretary of said company.

Sec. 9. In due time after the sale of any stock as aforesaid, the stock accounts shall be accordingly charged and entered upon the books, unless the same be redeemed.

Sec. 10. The stockholders where stock may have been sold under the provisions of this act may redeem the same within twenty days from the day of sale by paying to the purchaser the amount advanced on the purchase with two per cent. damages.

Sec. 11. Said company, if the directors thereof deem it expedient, shall have the power to sell said road to any person or persons or corporation, or may lease it for a term of years, to any other railroad company, person, or association of persons, and any other railroad company incorporated within the State may make such purchase or hire said road for a term of years, on such terms as may be agreed upon by said company, and the person or corporation making the contract: *Provided*, The stockholders of said Rushville and Shelbyville railroad company assent to such contract being made.

Sec. 12. This act shall be in force from and after its passage, and all former acts conflicting with its provisions are hereby repealed.

[The foregoing bill was presented to me on the 4th day of Janu-

ary, 1850, for approval. It has not been approved nor returned to the Senate with my objections down to this 10th day of January, 1850, (for the reasons I refer to my special message of 31st December, 1849, to the Senate, on the subject of the Crawfordsville and Lafayette Railroad,) and has therefore become a law.

JOSEPH A. WRIGHT.]

CHAPTER XIII.

An Act to locate a State road in the counties of Fountain, Montgomery, and Putnam.

[APPROVED DECEMBER 28, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Harley Greenwood and George Shankland of the county of Fountain, and Benjamin Walden of the county of Putnam, be, and they are hereby appointed Commissioners to view, mark, and lay out a State road from Covington, in Fountain county, by the way of Patton's mill and Jacksonville, in said county, and on the nearest and best route, thence to intersect the Greencastle and Crawfordsville road, at or near the Raccoon bridge, on said road.

Sec. 2. Said Commissioners, or any two of them shall meet at said town of Covington at such time as they may choose before the first of March, eighteen hundred and fifty, and after having been duly sworn to faithfully discharge said duty, they, or any two of them, shall proceed to view, mark, and lay out said road on the nearest and best ground, having regard to the points referred to and specified in the foregoing section of this act, and, also, to private property, and the interest of persons through whose lands said road may run.

Sec. 3. Said Commissiouers may take to their assistance a competent surveyor and chain carrier, and when said road shall be viewed, marked, and laid out by actual survey, they, or any two of them, shall make and file a report thereof to the Board of county Commissioners of the respective counties through which said road may run, at their next meeting thereafter, describing said road as surveyed and laid out, by course and distance, and it shall be the duty of said Boards of county Commissioners to allow and pay said Commissioners, Surveyor, and chain carrier a reasonable compensation for their services, out of their respective county treasuries, each county defraying the expenses of locating said road in proportion to the distance said road runs through said counties.

Sec. 4. It shall be the duty of the several supervisors through

whose districts said road may run, so soon as the same shall be recorded by the county auditors of the said counties among the records of the proceedings of the said Boards of county Commissioners, to call out a sufficient number of hands, and cause said road to be opened for travel: *Provided, however*, That said road shall not be opened through any field or enclosure whereon there is a crop growing, until the same shall have been harvested.

Sec. 5. The said Commisioners are hereby authorized, in their own discretion, to intersect said road with the State road leading from Greencastle, in Putnam county, to Crawfordsville, Montgomery county, at such point in said county of Putnam as to them shall seem best, and locate said road on the line of the said Crawfordsville and Greencastle road from said point of intersection to the said town of Greencastle.

Sec. 6. This act to take effect and be in force from and after its passage.

CHAPTER XIV.

An Act to amend an act to incorporate the Central Plank Road Company, approved January 16, 1849.

[APPROVED JANUARY 8, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Central Plank Road shall be graded twenty feet wide, eight feet of which, shall be covered with plank and eight feet shall be graded, so as to present an even surface with the plank, of solid earth.

Sec. 2. It shall be the duty of the directors to continue the construction of said road, as fast as the subscription of stock will enable them, until the final completion of the same through the counties of Hancock, Marion, Hendricks, and Putnam, and the unexpended portion of the present amount of stock subscribed, and all of the subsequent subscriptions of stock, within the counties named in this section, shall be applied soley for the purpose of extending said road through said counties, and keeping the same in repair.

Sec. 3. For the purpose of effecting an early completion of said road, the directors shall open the books of said company, for the subscription of stock in each of the counties named in the foregoing section, at least twice in each year, until the requisite amount shall have been subscribed. It shall also be the duty of the directors to give notice of at least twenty days, in some newspaper in said county or counties, and if no paper be published in said county, then in a paper in the adjoining county, where said books are to be opened for subscription of stock, and said books shall be kept open for at least twenty days, for subscription of stock.

Sec. 4. Sections 18 and 30, and the words "and all stock taken or subscribed by persons, corporations, or companies, residing or being east of Indianapolis, shall be expended in the construction and repair of said road east of Indianapolis," in section 32, of the act to which this is an amendment, be and the same are hereby repealed. *Provided*, that said company shall, on or before the first day of June, 1851, complete ten additional miles of said road, west of Indianapolis, and ten miles east of Indianapolis, including the four miles already commenced at Greenfield, otherwise the privileges granted by this act, to said company, shall be inoperative and of no effect.

Sec. 5. The foregoing amendments shall take effect and be in force from and after their passage.

CHAPTER XV.

An Act relating to the Docket of Bela Hearick, a Justice of the Peace in Posey Township, Switzerland county.

[APPROVED DECEMBER 13, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Bela Hearick, Esq., is hereby authorized to retain the docket and papers relating to unsettled business on the same — the docket made by the said Bela Hearick, Esq., while acting as a justice of the peace in said township, prior to the first Monday in March, 1849, and that he be authorized to act on the same, in the same manner as though he, said Bela Hearick, was his own successor in office.

Sec. 2. This act to take effect and be in force from and after its passage.

Sec. 3. All laws contravening the provisions of this act, be and the same are hereby repealed, so far as relate to the case named in this act.

CHAPTER XVI.

An act for the relief of Betsy Ann Simpson.

[APPROVED DECEMBER 28, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Betsy Ann Simpson, who is now a resident of the

State of Indiana, be allowed to file a petition for divorce, in the Lagrange circuit court, without being required to allege therein, or to prove at the hearing, a residence for one year in the State of Indiana, prior to the filing of said petition, and in all other respects, to proceed as now required by law in such cases.

Sec. 2. This act to be in force from and after its passage.

CHAPTER XVII.

An Act to incorporate the Old School Presbyterian Church of Dunlapsville, in the county of Union, and State of Indiana.

[APPORVED JANUARY 2, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That James D. Bryson, Alexander McCann, and Hugh Abernethy, and their successors in office, be, and are hereby incorporated by the name and description of "the Old School Presbytetian Church of Dunlapsville," and by which name may sue and be sued, implead and be impleaded to, answer and be answered to, either in law or equity in any court of competent jurisdiction, and to have all the rights and privileges which corporations of a similar nature have with full power to purchase and receive by donation so much real estate as is necessary for carrying out the lawful acts and intentions of the said corporation and objects of this charter.

Sec. 2. That the following real estate now held and enjoyed by the aforesaid church or corporation by virtue of the following deeds of conveyance, viz: The following property, situate in the county of Union, designated on the plat of the town of Dunlapsville, being lot number seven, (7) conveyed by John Dunlap and wife to the trustees of the Presbyterian meeting house in Dunlapsville, &c., and their successors in office, of date —— day of February, 1839, which is duly recorded. Also, the following premises, situate in said county of Union, viz: beginning at a stone on the old Indian boundary line south 10 degrees, west eleven chains, eight and one half links from the north-west corner of fractional section No. 21, in township No. 11, of range No. 2, west of the first principal meridian, as more fully described in a deed from James Nickles to Alexander McCann, James D. Bryson, and William Nickles as Trustees of the Old Presbyterian Church of Dunlapsville aforesaid, of date 26th day of April, 1845, duly recorded, containing nine and 48-100 acres. Also the following real estate, viz: beginning at a stone on the old Indian boundary line ten degrees west, twenty-two chains and fifty-eight and a half links from the north-west corner

of fractional section number twenty-one, in township number eleven north, of range number two, west of the first principal meridian, as more fully described in a deed from William Nickles and wife, of date 26th of April, 1845, to Alexander McCann and James D. Bryson, as Trustees of the Old School Presbyterian Church of Dunlapsville, duly recorded, containing four and 72-100 acres, shall be, and are hereby confirmed unto said corporation, forever to hold said premises with the church or grave-yard belonging to said church in right of the said corporation, in as full and complete a manner as the said Alexander McCann, James D. Bryson, and William Nickles as such Trustees may or can hold and enjoy said premises, and all other Trustees or Trustee of said church forever.

Sec. 3. The said corporation shall annually elect three members of said church to act as trustees thereof, who shall hold their office until their successors are elected and qualified; which election shall be held on any day appointed and set apart by the by-laws of said corporation.

Sec. 4. The said corporation, for the furtherance of the objects of said church, and the interest thereof, shall have full power to dispose of, sell, and convey all corporate property, whether real or personal, by deed of bargain and sale, which conveyance shall be signed and sealed by the Trustees of said corporation, and the same shall vest the said property, and all the right, title, and interest of such church and corporation, in the purchaser.

Sec. 5. The said corporation shall have full power to sell, dispose of, and convey any real estate granted or donated to said church or corporation for the benefit thereof, subject to any limitation over, except that of reversion, to the heirs of the said granter or donator, in the same manner by which they may or can convey other real estate, and reinvest the proceeds thereof in other real estate subject to the limitation by which the original property was held: *provided*, the same is not sold for less than its fair appraised value at the time thereof, which appraisement shall be obtained according to the law governing the appraisement of real estate under execution.

Sec. 6. All vacancies happening in said Trustees in consequence of death, resignation, or removal from office, shall be filled by the remaining Trustees or Trustee, and the same shall continue to hold and enjoy said appointment until the next annual election and qualifying of his successor.

Sec. 7. The Trustees of said church or corporation are hereby authorized and empowered to make all necessary by-laws for the interest of the church, and to carry out the objects of this corporation, but no by-law shall alter or change any of the organic principles of the said church, or of this corporation, nor inconsistent with the laws of this State.

Sec. 8. This act to be in force from and after its passage.

CHAPTER XVIII.

An act to incorporate the Trustees of the Princeton Female College.

[APPROVED, JANUARY 15, 1850.]

WHEREAS, It has been represented to the present General Assembly of the State of Indiana, that the Indiana Conference of the Methodist Episcopal Church, have determined upon establishing an extensive College Institution for Females in the State, to the support of which they are pledged to use their united efforts, and which college is for ever to be conducted on the most liberal principles, accessible to all religious denominations, and designed for the benefit of our citizens in general; AND WHEREAS, it has been represented that in consequence of liberal subscriptions and donations made in the town and vicinity of Princeton, the healthfulness of the situation, eligibility of the location, for the convenience of a public institution, the Indiana Conference have selected that place for the establishment of said college; AND WHEREAS, such a college in the State of Indiana, if conducted upon liberal and enlightened principles, would be of great benefit to our citizens generally by disseminating knowledge and useful literature, Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That a seminary of learning shall be, and the same is hereby established in the town or vincinity of Princeton, in Gibson county, and State of Indiana, to be known by the name and style of the Princeton Female College, which shall be founded and maintained forever upon a plan the most suitable for the benefit of the youth of every class of citizens and every religious denomination, who shall be fully admitted to equal advantages and privileges of education, and to all the literary honor of said college, according to their merit under the direction of fifteen Trustees, to-wit: John Kiger, Samuel Hall, Elisha Embree, Robert Stockwell, Andrew Lewis, Alfred Poland, James Boswell, T. A. Goodwin, F. A. Hester, J. R. Jones, C. C. Graham, John McIntire, William J. Lowery, John Shrader, and John R. Hugo, who with their successors shall be Trustees of said college, and shall hold their first meeting at the place of its location, on the first Monday of March, one thousand eight hundred and fifty.

Sec. 2. That the said trustees and their successors, by the name of the Princeton Female College, shall be a body politic and corporate, and as such forever to exist, and are hereby made capable in law to have, possess, purchase, receive, enjoy and retain, hold, or dispose of, for the use of said college, lands, tenements, and annuities, and other hereditaments in fee simple, or for a term of years life, lives, or otherwise, and also money, bonds, bills, notes, goods,

chattels, interests, or effects, of whatever nature, quality, or kind soever, by the gift, bargain, sale, or demise of any person or persons, body politic or corporate, capable of making the same, and the same to grant, demise, sell, alien, and confirm in such manner as they judge most conductive to the interests of said college. This corporation shall not hold a greater amount of real estate, exclusive of the site for the college and the edifices thereon, than the value of fifty thousand dollars.

Sec. 3. That the said Trustees and their successors by the name and style of "the Trustees of the Princeton Female College" as aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or courts of record before any judge or justice, or justices within this State and elsewhere, in all manner of suits, complaints, pleas, causes, matters and demands, of whatsoever kind, nature, or form they may be, and all and every other matter, nature and thing therein to do, in as full and effectual a manner as any person or persons, bodies politic or corporate of like nature within this State, may or can do.

Sec. 4. The said Board of Trustees are hereby authorized and empowered, and it is hereby made their duty at their first regular meeting, so to classify the number thereof into three divisions, that one third of the Board shall go out of office each year, and shall be determined by lot what members thereof shall belong to each of said classes.

Sec. 5. That the said Indiana Conference, or such other conference or conferences as may be formed out of the same by the consent of the said Indiana Conference, shall fill all vacancies in the Board of Trustees as may occur by the expiration of the term of office of any member or members thereof by death, resignation, or otherwise, at the first meeting of such conference or conferences after any vacation may happen, thus keeping up the full number of fifteen trustees for ever. And the said first named conference, or such other conference as may be associated with it by its assent, shall annually appoint any number of visitors, not exceeding seven, who, or so many as shall convene with the Board of Trustees, shall constitute a joint board in the permanent appointment of all officers of the said college; and whenever a majority of all the trustees shall declare any one of their body incompetent for want of moral character, the Board of Trustees shall declare his seat vacant, and shall thereafter make a temporary appointment to fill the vacancy until the meeting of the next annual conference, which shall then fill the same as aforesaid. And the visitors, or so many of them as shall act, shall report to the conference next succeeding their appointment the condition of the college, and whether it is conducted in conformity with its charter. And at the time of the admission of any conference to the participation in the appointments aforesaid, the Indiana Conference, and such other conferences as it may

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assent to associate with, shall divide the appointing power of visitors and trustees in such manner as they may mutually agree upon.

Sec. 6. That the said Trustees of the Princeton Female College, before entering upon the trust reposed in them, shall severally take the following oath of office, to be administered to them by any justice of the peace in the State of Indiana, that is to say, "I, A. B., do solemnly swear (or affirm) that I will, to the best of my skill and judgment, faithfully and truly discharge the duties of a trustee of the Princeton Female College pursuant to the laws and Constitution of the State of Indiana, the Constitution of the United States, and the charter granted by the State of Indiana establishing said college, without favor, affection, or partiality, so help me God, or under the pains and penalties of perjury." And said Trustees shall have power to appoint annually a president of the board, a vice-president, a treasurer, and a secretary, and the treasurer so appointed shall give bond with such security, and in such penalty as the Trustees shall think proper, payable to the State of Indiana for the use of said college, which bond shall by the treasurer and his securities, acknowledged before the clerk of the Circuit Court of Gibson county, and by him certified and recorded in his office, a copy of which shall be evidence in any suit against such treasurer and his securities for a breach thereof; and it shall be conditioned for the true and faithful discharge of his duty as treasurer of said college, and for the safekeeping of all moneys, bonds, notes, deeds, mortgages, trusts, or other property belonging to the institution, or which shall be put into, or from time to time come to his hands, which bond may be renewed whenever the said Trustees shall require it. And it shall be the duty of said treasurer to receive and safely keep all moneys, notes, bonds, obligations, or conveyances of real, personal, or mixed property belonging to said college, and shall not pay out any of said moneys except upon the order of the president or vice-president, countersigned by the secretary of the Board of Trustees, and for any breach of said bond the treasurer and securities may be proceeded against as upon other official bonds in the proper courts in the State of Indiana. The said treasurer shall, moreover, once in every year, and as much oftener as the Trustees may require, render to them an account of all moneys in his hands and all moneys by him paid out, stating from whom or what source received and to whom paid. And in case the treasurer shall fail or refuse to perform any of the duties required of him by this act, the Trustees of said College shall have power to declare his office vacant and proceed to the election of a treasurer to fill the vacancy. And it shall be the duty of every treasurer on leaving the office by removal, resignation, or otherwise, upon the order of the board, signed and countersigned as aforesaid, to pay and deliver over all moneys and other property in his hands belonging to said college into the hands of his successor in office. And it shall be the duty of the secretary to keep a fair record of all the proceedings of the Board of Trustees, and at the close of every

session lay them before the president for his signature, and to do and perform all other acts which by this charter may be required of him. And it shall be the duty of the president of the board to preside in all their meetings, when present, and to perform all the duties usually performed by presiding officers in all similar bodies, and in the absence of the president the vice-president aforesaid shall perform the duties, and in case of his absence at the time of any meeting of the board, it shall be the duty of the Trustees to appoint a president *pro tem.*

Sec. 7. That the said Trustees and their successors shall have authority to make and use a common seal, with such devices and inscriptions as they shall think proper, and the same to change, alter, and renew at pleasure; and shall also at any regular meeting of the board when one or more of the visitors shall be present from time to time, for ever hereafter, have full power and authority to constitute and appoint permanently, in such a manner as they may deem expedient, a president of the college, together with such professors and other instructors as may at any time be necessary to form an efficient faculty for the proper instruction of students in the arts and sciences, and in all the necessary, useful, and ornamental branches of a thorough and liberal education, such as is taught in the best female colleges or academies. And the said president and professors, with such other instructor or instructresses as may by the Trustees be included, shall be known and distinguished by the name of "The Faculty of the Princeton Female College," and in that name shall be capable of exercising such powers and authorities, rights and privileges in the institution as shall be delegated to them according to the by-laws enacted by the Trustees; and the said Board of Trustees may at any meeting make a temporary appointment of any of the foregoing faculty, in the absence of such visitor or visitors, until a regular meeting at which one or more of such visitors may be present. And a majority of the said fifteen trustees, together with a majority of the said seven visitors, may at any time in joint meeting, by resolution to that effect, declare the appointment or office of any of the faculty, instructors, or instructresses vacant, and proceed to fill such vacancy at such joint meeting, or any future meeting which they may designate.

Sec. 8. That the said Trustees, and their successors in office, shall meet at least once in every year in a stated annual meeting to be appointed by their own ordinances, and at such other times as by their said ordinances they shall direct, for the purpose of transacting such business for the prosperity and welfare of the institution as may come before them, in all which meetings five Trustees being present, shall constitute a quorum for transacting business. But a majority of said fifteen Trustees shall be required to make, pass, and establish ordinances, rules, and by-laws, not contrary to the constitution and laws of this State, for the government of said college, and the proper education of its pupils, and by them to delegate to the President, Professors, and other instructors

or instructresses, such powers and authorities as they may judge expedient for the government of the institution; and the said majority of Trustees shall also have power, at any legal meeting, to altar or annul any rules or regulations by them established, and to do all matters and things which they may deem expedient for the faithful fulfillment of their trust.

Sec. 9. That the said Trustees, and their successors, shall have authority, whenever, in their opinion, the funds of the institution will justify the measure, to admit gratuitously, in whole or in part, as the respective cases may require, such person or persons as they may think proper to enjoy the benefits of tuition in said college; and said Trustees are hereby authorized to receive subscriptions, donations, and bequests, either in money, personal, real, or mixed property, for the purpose of enabling them to meet the expenditures requisite in establishing and continuing said institution.

Sec. 10. That for the purpose of stimulating and encouraging the pupils in their progress, and promoting the general interest of the institution, the said Trustees and faculty shall have full power and authority, once in every year, or oftener, as they by an ordinance shall direct, to hold a public commencement, with exercises suited to the occasion, and to graduate, with literary honors, such pupils as shall from time to time be found to have merited the same by their character and acquirements; and said Trustees and faculty shall have full power and authority, in furtherance of the aforesaid objects, to confer on all those pupils whom they shall deem worthy thereof, all such literary honors and degrees as are usually conferred by the best female colleges, institutions, or academies, and may issue, when they deem it expedient, testimonies or diplomas, bearing the seal of said college, as certificates of the same, signed by the President of the college. It shall also be the duty of the faculty, prior to each commencement, to hold a public examination in presence of such Trustees as may be able to attend, and of other citizens, at which time all the pupils of said college shall be examined in the several branches of learning which they have respectively studied, that the fidelity of the teachers and the diligence of their pupils may appear.

Sec. 11. This act is hereby declared to be a public act, and shall be construed liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges or franchises hereby granted shall cause a forfeiture of the same, nor shall any gift, grant, conveyance, or devise to, or for the benefit of the corporation, be defeated or prejudiced by any misnomer, misdescription, or informality whatsoever: *Provided*, That the intention of the parties can be shown or ascertained beyond rational doubt.

Sec. 12. The State hereby reserves the rignt at the session of the legislature for the year 1860, and every tenth session thereafter, to alter or amend this charter: *Provided, however*, That no amendment shall ever be made to change the fundamental principles upon which this college is established.

Sec 13. And the said Trustees, and their successors, are hereby authorized and empowered to adopt, ratify, and confirm all such acts and contracts not inconsistent with the provisions of this charter, as have been done or made by the said Trustees named herein, or a majority of them, prior to the passage of this act, in the name and character of Trustees of the Princeton Female College, and when so adopted, ratified, and confirmed, the said acts and contracts of the said persons above named, or a majority of them in their said name and character of Trustees as aforesaid, shall become and be as binding to all intents and purposes upon the said Trustees hereby created, and all other parties thereto, as if the same had been done, made, or entered into by said Trustees in their name and character of Trustees, after the passage of this act.

Sec. 14. This act to take effect and be in force from and after its passage.

CHAPTER XIX.

An act to incorporate the Indiana Insurance Company.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be and hereby is established in the city of Fort Wayne an insurance company, with a capital stock of two hundred thousand dollars, with the privilege to increase it to three hundred thousand dollars, to be divided into shares of one hundred dollars each, and subscribed and paid for by individuals, companies, or corporations, in the manner hereinafter specified, which stockholders and subscribers and their successors shall be and are hereby created, a body politic and corporate by the name and style of "The Indiana Insurance Company," for the period of one hundred years from and after the passage of this law, and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or in payment of any debt which may become due and owing to the same, or in satisfaction of any judgment of any court of law or any order or decree of any court of equity in

their favor, and may have and use a common seal, and the same alter, change, break, or renew, at pleasure, and may also make, ordain establish, and put in execution such by laws, ordinances, rules, and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, That no by-laws, ordinances, rules, or regulations of said company shall in any wise be contrary to the constitution and laws of this State and the United States; *and provided also*, That said company shall not own or hold at any one time a greater amount of real estate than shall be of the amount of fifty thousand dollars.

Sec. 2. That the said corporation shall have full power and lawful authority to insure all kinds of property against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage on goods, merchandise, and produce, in the course of transportation or otherwise, whether on the land or on the water, and vessels or boats wherever they may be, to make all kinds of insurance on life or lives, to lend money on bottomry or respondentia, and to cause themselves to be re-insured against any risk they may have incurred, when they may deem it expedient, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

Sec. 3. That it shall be lawful for said company to invest any part of their capital stock, moneys, funds, or other property in stocks or funded debts, created or to be created by or under any law of the United States, or of this or of any other State, or in the stock of any chartered bank of this State or of the United States, or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof in such stocks or funds, whenever the exigencies of said corporation or a due regard to the safety of its funds may require, or they may loan the same or any part thereof to individuals or corporations, on real and personal security, for such period of time, and under such restrictions and limitations, and upon such terms as the directors thereof for the time being shall deem prudent and best for the interest of the company: *Provided, however*, Nothing herein contained shall be so construed as to authorize said corporation to receive upon loans made by them more than the legal rate of interest, or to issue or emit bills of credit as a circulating medium.

Sec. 4. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction, and control of a board of nine directors, and after the first election they shall be elected on the first Monday in January, annually, at such time and at such place in the city of Fort Wayne as said directors for the time being shall direct; the directors shall hold their offices for the term of one year, and until their successors shall be chosen, and notice of such election shall be advertised for three weeks, once in each week, in a newspaper printed in said city of Fort Wayne, and

such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders not directors at the time, to be previously appointed by the board of directors for that purpose, and at every election or other regular meeting of the stockholders held under the provisions of this act, each stockhoider shall be entitled to one vote for each share of stock such stockholder may hold, and may vote in person or by proxy, such proxy being granted to a stockholder present at such election or meeting: *Provided however*, No stockholder shall be entitled to vote at any election after the first election, unless the stock he, she, or they represent shall have been transferred on the books of said corporation ninety days prior to such election; *and provided further*, In case it should so happen that an election of directors should not be made on any days when by this act it ought to have been made, it shall and may be lawful for said company to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said company.

Sec. 5. That the directors duly chosen under the provisions of this act, shall, as soon as may be, after the first and every annual election, elect from their own body, a president who shall preside on the board until the next annual election, and in case of his death, resignation, or absence, the board shall appoint a president, pro tempore. They shall fill all vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions, and limitations not inconsistent with the provisions of this act, and the by-laws, rules, and ordinances of said company, as the directors, for the time being, shall prescribe. They shall make such by-laws, rules, and regulations for their own government, and for the management and disposition of the stock, property, estate, funds, and business of said company, and all matters relating thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances, and regulations adopted at any regular meeting or meetings of the stockholders. They shall, in the first week in January and July, annually, make and declare such dividends of the profits resulting from their business, as shall not impair, or in any wise, lessen the capital stock of the same, and cause the same to be paid to the several stockholders; *provided*, that no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

Sec. 6. That all policies of insurance which may be made or entered into by said corporation, shall be subscribed by the president or president pro tempore, or by such officer as shall be designated for that purpose, by its by-laws and attested by the secretary and being so signed and attested, shall be binding and obligatory on

said corporation, without the seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject, nevertheless, to the by-laws, rules, ordinances, and regulations established by the board of directors. It shall be the duty of the secretary, at every annual meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of the company.

Sec. 7. That the stock of said company shall be assignable and transferable on the books of the same, or otherwise according to such rules and by-laws, and subject to such restrictions and limitations as may be established by the directors, and all such stock shall be held and considered as personal property.

Sec. 8. That the books for the subscription to the capital stock of said company, shall be opened in the city of Fort Wayne, by and under the direction of Samuel Hanna, William G. Ewing, Hugh McCullock, Pilu P. Bailey, Richard Center, Samuel Edsall, and Jas. Story, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscription, in a newspaper printed in said city of Fort Wayne; and it shall be lawful for any individual, company, or body corporate, to subscribe for any number of shares, and such individual, company, or body corporate shall, at the time of subscribing, pay to the said commissioners, five per cent. on each share of stock so subscribed; and it shall be the duty of said commissioners, as soon as five hundred shares are subscribed, to give two weeks notice, in some newspaper printed in said city of Fort Wayne, of the time and place for the stockholders to meet and elect the first board of nine directors, which election shall, in all respects, be governed by the provisions of this act, for the election of directors, and the board of directors thus elected, and shall continue in office, until the next annual election.

Sec. 9. As soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners, to pay over to the said board of directors, all moneys that may be in their hands belonging to said company, and deliver over to them all books and papers belonging to the same, and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockholder, the full amount of the stock by them respectively subscribed, which payment shall be made either in cash or secured, to be made by giving real or personal security, to the satisfaction of the directors; and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company, the amount paid on such stock, at the time of subscribing; *provided*, that the said corporation

shall not commence business or grant any policies of insurance, until five hundred shares are subscribed and paid for, or secured to be paid for as aforesaid, all the remaining balance of the stock shall be offered for sale at such time and place, and on such terms as the directors, for the time being, may, from time to time, direct.

Sec. 10. That whenever said corporation shall be notified of any loss sustained or incurred, in any policy of insurance granted or issued by the same, it shall be the duty of said corporation, to pay the amount so lost or incurred in such policy, within sixty days after being so notified; *provided*, there shall have been no violation of the condition of the policy on the part of the insured. The stockholders may, at any regular meeting, either increase or diminish the number of directors; *provided*, there never shall be more than thirteen nor less than five and four directors shall constitute a board for the transaction of business, and may organize the said company.

Sec. 11. The stockholders in said company shall be liable, in their individual capacity, to pay all contracts by it made, which shall not be paid by it, in its corporate capacity, and the legislature reserves the right to alter, amend or repeal this charter when the company shall violate any of its provisions, or so use its powers as to become oppressive to the citizens of this State.

Sec. 12. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed liberally and favorably for every beneficial purpose.

CHAPTER XX.

An Act for the relief of Anthony Frederic Yager.

[APPROVED DECEMBER 28, 1849.]

WHEREAS, Anthony Frederick Yager, L. L. D., has petitioned to the General Assembly, requesting to have an act passed authorizing the Allen circuit court to admit him to practice at the bar of said court: AND WHEREAS, The said Anthony F. Yager has made application to become a citizen of the United States; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Allen circuit court are hereby authorized to admit said Anthony F. Yager as an attorney and counsellor at law and solicitor in chancery of said court, if upon examination he shall be found to possess the requisite legal and moral qualifications, and

shall in all other respects comply with the laws of this State and the rules of said court.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XXI.

An Act for the relief of the heirs of William Shultze, deceased.

[APPROVED JANUARY 3, 1850.]

WHEREAS, William Shultze, a resident of Tippecanoe county, State of Indiana, a naturalized citizen of the United States, but a native of Germany, died in said county of Tippecanoe in April last, intestate, seized of and entitled to certain real estate lying in said county of Tippecanoe, and in other counties of this State, and one Robert Jones, jr., was, by the probate court of said county of Tippecanoe, appointed administrator of said intestate, and is still such administrator:

AND, ALSO, WHEREAS, Said intestate left a father and mother, brothers and sisters surviving him, all of whom were residents of Germany, and said real estate, in default of heirs who can inherit, would escheat to the State; and it is deemed equitable and just that said father and mother, brothers and sisters of said intestate should receive the proceeds of said realty; therefore,

Section 1. *Be it enacted by the General Assembly of the Seate of Indiana*, That unless said realty should be required for the payment of debts, said administrator, at some time before closing his administration, sell said real estate held by said intestate at the time of his death, by either legal or equitable title, to the highest bidder, at not less than two-thirds the appraised value thereof, said sale to be at public auction at the door of the court house in Lafayette, of which sale notice shall be given by six weekly advertisements in some newspaper printed and published in said town of Lafayette; and before said sale it shall be the duty of said administrator to have said real estate inventoried and appraised by two competent sworn appraisers, which inventory and appraisement shall be filed in the office of the clerk of the probate court of said county of Tippecanoe; and to the purchaser or purchasers of said real estate, said administrator as such shall make and deliver deeds or other conveyances, and the recitals in such deeds or conveyances as to said sale, the time and manner of advertising the same, and the making

and filing the inventory and appraisement, shall be *prima facie* evidence of the truth thereof; and such deeds or conveyances shall vest in the grantee or grantees therein, all the title held by said intestate at the time of his death in the property thereby conveyed.

The terms of sale of said real estate shall be one-third in hand, one-third in six months from day of sale, and one-third in twelve months from the day of sale; and the amount produced by such sale (after deducting the costs thereof) shall be by said administrator reported to said probate court as personal assets of said intestate, and as such accounted for in the regular course of administration.

Sec. 2. This act io take effect and be in force from and after its passage, and to be regarded as a public act in all courts.

CHAPTER XXII.

An Act to amend the act entitled "an act to incorporate the Moscow and Blooming Grove Turnpike Company," approved January 15, 1849.

[APPROVED JANUARY 3, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an act to incorporate the Moscow and Blooming Grove Turnpike Company," approved January 15, 1849, be, and the same is hereby, so amended that it shall be lawful for said company to organize and commence the construction of said road so soon as ten thousand dollars of the capital stock of said company shall be subscribed.

Sec. 2. This act to be in force from and after its passage.

CHAPTER XXIII.

An Act more effectually to enable the Trustees of the Harrison County Seminary to convey certain lots therein named.

[APPROVED JANUARY 3, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Trustees of the Harrison County Seminary be, and they are hereby, invested with full power and authority to sell and convey lot number thirty-two (32) in the town of Corydon, and any other lot which they now or hereafter may hold, to any individual or corporation, whenever, in their opinion, it shall be proper or advantageous so to do.

Sec. 2. Any conveyance made by said Trustees, by virtue of the authority hereby conferred on them, shall be by deed under the seal of said corporation.

Sec. 3. Every deed of conveyance so executed by said Trustees, in good faith and without fraud, shall completely divest said Trustees as a corporation of all title, legal and equitable, which they may have or hold at the time of execution in or to the lot or lots so conveyed, and shall invest the same in the grantee thereof.

Sec. 4. This act to be in force from and after its passage.

CHAPTER XXIV.

An Act to amend an act entitled "an act to amend an act entitled an act to incorporate the Knightstown and Shelbyville Railroad Company," returned by the Governor to the Senate the 11th February, 1848.

[APPROVED JANUARY 3, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases of appeal taken after the passage of this law from the award of the arbitrators under the provisions of the first section of the act aforesaid, the same shall be taken to the circuit court of the county within which the land claimed to be damaged is situate.

Sec. 2. That in all cases where, under the provisions of the section aforesaid of the act aforesaid, an appeal has been taken by the company to the circuit court of any county other than that within which the land damaged is situate, the claimant may demand of the court in which the appeal is pending, if in session, or to the

clerk thereof in vacation, for a change of venue of such cause to the circuit court of the county wherein the land is situate, whereupon the clerk of the court from which such change is taken shall forthwith transmit the papers and a transcript of the proceedings in such suit to the clerk of the court to which such change is taken, as in other cases of change of venue; and thereupon such cause shall proceed in the last named court, as if the appeal had been originally taken to such court, and that the costs of such change shall abide the event of the suit.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER XXV.

An Act for the relief of Herman Henry Kluter and Frederick William Kluter, of the county of Ripley, Indiana.

[APPROVED JANUARY 3, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all moneys and other effects of the estate of Frederick William Stratman, deceased, late of the county of Ripley, to which the State of Indiana is or may be entitled by escheat, are hereby vested in Herman Henry Kluter and Frederick William Kluter, children of John Kluter who now reside in the county of Ripley.

Sec. 2. It shall be the duty of the adminstrator of the estate of said Frederick William Stratman, to pay over to the proper guardian of said Herman Henry Kluter and Frederick William Kluter, all moneys and other effects of the estate of said Stratman, in accordance with the provisions of the first section of this act so soon as they may come to his hands.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER XXVI.

An Act to extend the powers of the President and Trustees of the town of Columbus.

[APPROVED JANUARY 4, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and trustees of the town of Columbus, in the county of Bartholomew, shall have full power and authority to issue from time to time, when it may be necessary, process for the collection of all corporation taxes whenever due and unpaid, whether the same be delinquent or otherwise.

Sec. 2. Said president and trustees shall have full power to extend their corporate authority and jurisdiction to and over all additions which have been or may hereafter be made to said town, and over all intermediate ground lying between said additions and the original town plat of said town.

Sec. 3. The treasurer of said corporation, in the collection of delinquent taxes for said corporation, shall be entitled to the same per centage, penalties, and charges in sales of personal property as in sales of real estate.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAATER XXVII.

An Act to amend the charter of the Columbus, Nashville, and Bloomington Railroad Company.

[APPROVED DECEMBRR 31, 1849.]

Section 1. *Be it enated by the General Assembly of the State of Indiana*, That it shall be lawful for the board of Directors of the Columbus, Nashville, and Boomington Railroad Company, to order and hold an election for directors of said company, upon any certain day which, and at any place, they appoint; and annually thereafter, giving three weeks' notice thereof in some newspaper published in one of the counties through which said road shall be located; and the directors elected at any such election shall be the lawful directors of said company until their successors shall be elected and qualified. All vacancies in the board shall be filled by the directors in office until the next election.

Sec. 2. All sales, mortgages, and conveyances for lands and

tenements which now are, or may hereafter be, held by said company, may be made under an order of the board of directors, the mortgage or deed of conveyance to be signed by the president of the board, attested by the secretary, with seal of said corporation thereto affixed, which shall be admitted to record without further acknowledgment.

Sec. 3. Every subscriber for capital stock in said company shall be bound and liable to pay the same according to the terms of his, her, or their subscription; and said company may maintain an action or actions of debt or assumpsit for the amount of any such subscription, and the stock book of said company containing the subscription, shall be sufficient evidence of the liability of such person or body corporate to pay the same, and no defence shall be allowed to any action to recover stock subscribed, except payment thereof or a release therefrom.

Sec. 4. For the purpose of constructing said road with all desirable appendages, and for putting and keeping the same in repair, and for doing all proper business thereon, said company are hereby authorized to enter upon, take, and hold in *fee simple* all real estate and materials necessary for that purpose, doing no unnecessary damage; and when such real estate or materials cannot be had by donation or fair purchase, the owner shall file his claim for damages in the office of the secretary of the company, and select an arbitrator, whereupon, the company shall select another, and these two a third, who shall be disinterested men, and within a reasonable time, having been sworn, they shall proceed to examine the case, and make out and file their award in the premises with said secretary, from which award either party may appeal, which appeal shall be in all things regulated and tried as appeals are from the judgment of a justice of the peace in this State, said secretary being regarded as such justice in this behalf; and whenever any real estate is so taken, or is damaged, the arbitrators, court, or jury trying the case shall estimate any and all advantages said road may be to the other real estate of the claimant, adjacent or contiguous to that taken — deduct such advantages from the damage done, and find for the claimant the balance only, if any there be; if there be none, the claimant shall pay all costs; if damage be recovered, the company shall pay the costs, and all claims for damages shall cease, unless applied for in two years next after the property shall have been taken possession of by said company: *Provided*, That any person who may be a minor, or may be absent from the United States at the time of the taking such real estate or property, may file his or her claim for damages within two years after arriving at maturity, or after returning to the United States; and that all appeals from the decision of any such arbitrators, shall be tried in the circuit court of the county in which such property may have been taken: *And provided further*, that the said company shall appoint their arbitrator within sixty days after the claims shall be

filed; and in default thereof, such claimant may sue said company at law.

Sec. 5. Said company shall be authorized, at any time hereafter, to continue and extend their railroad towards, or to, the Wabash and Erie Canal, to any point which they may select; and in the construction of any such extension, the said company may increase their capital stock, by the creation of new stock, or otherwise, or may borrow money, and have, hold, and enjoy all the rights, privileges, and immunities granted to said compay by the act of the General Assembly incorporating the same.

Sec. 6. It shall be lawful for said company to receive payments for stock from any railroad company, incorporation, county, or individual, in the bonds of such company, incorporation, county, or individual, in such form, and at such time of payment, and bearing such rate of interest as may be agreed on; and any railroad company, incorporation, or county, or the board of commissioners of any such county, are hereby authorized to make and issue any such bonds for that purpose, for any stock taken, or to be hereafter taken in said company. And it shall be lawful for said Columbus, Nashville, and Bloomington Railroad Company, for the purpose of constructing the said road or roads in this bill named, and for equipping and using the same, to make and issue their own bonds in such form, and for such sum of money, and bearing such rate of interest, and to negotiate and dispose of the same, in such manner as the directors thereof shall deem for the best interests of the company, but no bonds shall be issued by said company for any other purpose whatever; and all such bonds shall be signed by the president, and attested by the secretary of the company, and sealed by their seal: *Provided*, That no such bond shall be issued for a less sum than one hundred dollars: *And provided further*, That the county commissioners of the county of Morgan shall not be authorized to take any stock in said road: *And provided also*, That no such bond shall bear a higher rate of interest than ten per centum per annum, nor be sold by said company at a greater deduction than ten per cent. upon its principal, and that it shall not hereafter be lawful for the board of commissioners of any county that has not subscribed for stock in said company, to subscribe for any such stock without first obtaining the assent of a majority of the voters of such county thereto, by a vote or petition, or otherwise.

Sec. 7. That the seventh section of the act incorporating the said company, approved January 5th, 1849, so far as the same makes the president and directors thereof individually liable for the debts of said company, be, and the same is hereby, repealed.

Sec. 8. Three weeks' notice shall be given by the secretary of the company of all elections by the stockholders. All elections shall be by ballot, and be kept open between the hours of 11 o'clock A. M., and 4 o'clock P. M., of the day on which they are held. All elections shall be held by inspectors and tellers appointed by a majority in number of the stockholders present at the place where said election is to be holden, immediately before the hour for the

opening the same; the person having the highest number of votes shall be elected, and each share of stock shall entitle the owner thereof to one vote.

Sec. 9. Sections nine, thirteen, fifteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, forty-three, forty-five, sixty-one, sixty-four, eighty-five, and eighty-six, of the act entitled "an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer," approved January 28, 1842, (except the proviso contained in the 85th section of said act,) shall be deemed and taken as applicable to, and constituting part of, the charter of this company, and the remainder of said act shall not be regarded as applicable thereto.

Sec. 10. Said railroad company shall be, and they are hereby, authorized to construct branch roads from any point or points on their line to any coal or iron mines, or deposites, that they may see proper; and for that purpose shall have all the powers and privileges granted to them for the construction of their main line of road; and such branch or branches, when made, shall be held, owned, and esteemed as part or parts of their main line of road. And said company shall be further authorized to take, hold, and own stock in any other railroad or railroads, connecting or to connect with their road, and to contract with any such other company or companies in or about the construction or use of such connecting road or roads, and if necessary, to run and use such other road or roads with their engines and cars, and generally to do and perform any and every act, matter, or thing, in and about the same, which any individual might or could do: *Provided*, That no branch of said railroad shall extend to a greater distance than five miles: *And provided, also*, That said company shall not interfere with the rights of any other railroad company.

Sec. 11. This act to be taken and deemed a public act, and to be in force from and after its passage.

CHAPTER XXVIII.

An Act to amend an act, entitled "An act to incorporate the city of Richmond, Wayne County, Indiana," approved February 24, 1840.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fifteenth section of an act, entitled "An act to incorporate the city of Richmond, Wayne county, Indiana," approved February 12th, 1840, be and the same is hereby declared to mean that the Mayor of said city, shall, in addition to his jurisdiction as a city officer, have jurisdiction in all cases, co-extensive with the jurisdiction of a justice of the peace, and as such, shall be competent to discharge and perform all duties that any other justice may perform in said county.

Sec. 2. *And be it further enacted by said General Assembly*, That in all actions contemplated by the forty-seventh section of the act of incorporation aforesaid, the first process shall be and the same is hereby continued as therein specified; and whereas, doubts have existed as to whether the general law of this State, requiring affidavits to hold to bail, repealed said section, it is hereby declared that the said law in nowise affected the same, and that the same, and every part thereof, now is, and has continued to be in force, with all the rights and privileges under the same, the said general law or any of this State, to the contrary notwithstanding.

Sec. 3. No general or local law of this State, now passed, or hereafter to be passed, shall be construed to alter, repeal, amend, modify, or in any way or manner affect the said act of incorporation, or the amendments thereto, made or to be made, unless special references made in words to the said act of incorporation of said city.

Sec. 4. That, in cases of arbitrations contemplated in section forty-nine of said act, if the said party aggrieved, shall not reside in said city, or shall refuse to make such selection, the marshal of said city, in the presence of said council, shall make selection of such second person, of the qualifications therein specified. So much of such section forty-nine as contravenes this section, be and the same is hereby repealed.

Sec. 5. It is hereby declared to be the right, privilege, and power of the common council of said city, to pass by-laws requiring the owners of lots in said city, to pave the sidewalks and side gutters along said lots, and to keep in repair, to the center, the street or streets, on which said lot or lots are situated, along the extent of said lot or lots, after the said street has once been put in repair by the city authorities; and for the purpose of enabling said city to enforce such power, it is hereby declared that after due notice given, if such improvements or repairs are not made in a reasonable time, by

the owners or occupants of any such lot or lots, the said city may make the same, and for each and every time of making such improvements or repairs, said city shall have a lien for the costs thereof, on the lots aforesaid, and may enforce said lien by a bill in equity, or she may sue for and recover said amount by an action at law. And in all cases where the owners of lots, requiring such improvements or repairs, are non-residents, a notice posted on the premises, or given to the tenant to make the same, shall be sufficient. And when any tenant, in pursuance of such notice, shall make, maintain, or keep up any such improvement or repair, required or authorized by this act, that the same be a payment of, or effect against the rent of said premises to the amount paid out, in any court of this State, any law of this State to the contrary notwithstanding.

Sec. 6. In all cases hereafter, in prosecution under any of the ordinances of said city, for retailing or otherwise disposing of spirituous liquors, contrary to the law, the common council of the said city, may employ an attorney at law to conduct such prosecutions; and on all judgments rendered against any defendant, in such cases, said attorney shall receive a docket-fee of two dollars, against said defendant, which shall be taxed up with costs and collected in like manner.

Sec. 6. This act to take effect and be in force from and after its publication in the Richmond Palladium and Jeffersonian.

CHAPTER XXIX.

An act to consolidate and publish in one act the several acts and parts of acts that now incorporate the Madison and Napoleon Turnpike company.

[APPROVED JANUARY 4, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That C. P. J. Arion, Shadrach Wilber, J. F. D. Lanier, John Woodburn, and Jonathan Fitch, of the county of Jefferson, and John Hunter, Isaac Miles, and Stephen Andrews, of the county of Ripley, and their successors in office, duly appointed or elected under the authority of this act, are hereby constituted a body politic; and by the name and style of the Madison and Napoleon Turnpike company shall be able and capable in law to sue and be sued, defend and be defended, answer and be answered unto, in any and all courts of competent jurisdiction; and make and use a common seal, and the same to alter and amend at pleasure.

Sec. 2. The directors in this act named, or a majority of them, shall meet, at such time and place as they may agree on, and organize said corporation by electing one of their body President, and

after such organization any five of said board shall be a quorum to transact business.

Sec. 3. The corporation shall have power to appoint agents, clerk, treasurers, surveyors, engineers, superintendents, artists, and all other officers and servants, proper and neeessary to carry into effect this act; they shall keep a journal of their proceedings in which shall be entered all by laws and regulations, and all orders for payment of such sums of money as may be allowed to their officers and all others in their employ, which journal and proceedings shall from time to time be signed by the president; they may sit on their own adjournments, or the call of the president; when the president is absent they may appoint a president, *pro tem.*; they may fill all vacancies that shall happen in their body.

Sec. 4. The capital stock of said company shall be one hundred and fifty thousand dollars, to be divided in shares of twenty-five dollars each share, and the owners of such stock shall have one vote for each share of stock he owns in said corporation, and shall elect any number of directors that the stockholders shall agree upon at any election, not less than five nor more than nine, a majority of whom shall form a quorum.

Sec. 5. The corporation may cause books to be opened for the subscriptions of the capital stock at such time and place as they may choose, due notice being given in some public newspaper in this State, and the said company may receive subscription of stock in money, real estate, or labor, or in any other way they may think proper and safe, and secured in such way and manner as said company may think proper, in which books the following entry shall be made: "We, the undersigned, promise to pay twenty-five dollars for each share of stock set opposite our names in such way and manner, and in such proportions and at such times as the president and directors of the Madison and Napoleon Turnpike company may direct. Witness our hands and seals this —— day of 18—."

Sec. 6. It shall be lawful for all persons of lawful age, or for the agent of any corporation, to subscribe for any amount of stock in said company, and said corporation may, by an agent, offer for sale in any other State any amount of stock upon such terms and conditions as may be thought advisable; and they shall have power upon their own credit to borrow money upon such terms as may be agreed on by the parties. The corporation may require such sums of money to be paid at the time of subscription, or within thirty days thereafter, not exceeding five dollars on each share, as they may think proper, but the amount required shall be made known at the time of the notice for opening said books and any further payment of the stock shall be under the control of the corporation.

Sec. 7. Said company shall have the power to construct said road on and along the Michigan road, or upon any other route from Madison, in Jefferson county, to Napoleon, in Ripley county; first having obtained the assent of the county commissioners of Jefferson county to construct the same through said county, and the assent of

the county commissioners of Ripley county to construct the same through Ripley county, and under such restrictions as the commissioners may impose at the time of making such grant.

Sec. 8. That for the purpose of making said examination and location it shall be lawful for the corporation, by their agent or persons in their employ, to enter upon any lands to make surveys and estimates, and to take from the lands occupied by said road, when located and surveyed as aforesaid, any stone, gravel, timber, or other materials, necessary to construct said road, and to construct the necessary bridges connected therewith, and should sufficient materials not be obtained on the lands so as aforesaid located, then it shall and may be lawful for the corporation to obtain from the owners [of the lands,] through which said road may run, the necessary stone, gravel, and other materials that may be obtained on the route, and to contract with them for the same; they may also receive by donations, gifts, grants, or bequests, any money, labor, or property, for the benefit of the corporation, and all such gifts, grants, or bequests, made by persons competent to make the same for the benefit of the corporation shall be binding on any person making the same, and the said corporation shall have their action at law to compel a compliance with the same: *Provided, however*, that all such contracts, gifts, grants, and bequests, be made in writing and signed by the person making the same.

Sec. 9. The corporation shall throw up at least eighteen feet in width of said road, so as to form a good grade, and cover the same with stone or gravel; and they shall have the right to make any portion they may think proper of said road of plank and earth, by laying at least eight feet in width of the same with plank, and ten feet in width of earth, stone, or gravel. That in all cases where any person through whose land said road shall run, shall refuse to relinquish the same, or where a contract between the parties cannot be made for the land or materials, it shall be lawful for the president and trustees to give notice to some justice of the peace in the county where such difficulty may occur, and that such facts do exist; and such justice shall thereupon summon the owner of such land or materials to appear before him on a particuliar day, within ten days thereafter. In case of infants and insane persons, if there be a guardian, resident of the county where the land is situate, he shall have at least ten days' notice of the time and place of trial; and when there is no guardian, notices shall be posted up in three of the most public places in the township where the land is situate at least three weeks prior to the day of trial, and in case of non-residents, the same notice shall be given as is required in the case of infants having no guardian; and shall also cause to be summoned twelve disinterested persons, and cause them to come before him, who, after being legally tried and sworn as jurors, faithfully and impartially to assess the damages, if any, shall proceed to hear the testimony and view the land or materials, and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, report thereon in writing whether such person is entitled to damages or not, and if so, how much; which report shall be filed with such justice, who shall enter judgment thereon, unless for good cause shown; and in case either party show good cause why judgment should not be entered, the justice may grant a review of the same, either with or without costs: *Provided*, That either party may, at their option, appeal the same to the circuit court of the proper county, as in other cases, and such court shall appoint viewers, as above directed, who may report to that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final between the parties.

Sec. 10. In all cases where the owner is a minor or insane person, or shall reside out of the county where such land may be, such justice shall cause three notices to be stuck up, of the time and place of appointing reviewers, and if no person appear, he may adjourn the trial for two weeks, at the end of which time he shall appoint a guardian *ad litem* or committee to act for such minor or insane person, as the case may require, in the suit aforesaid, but such appointment need not be made if the guardian at law or the committee of the estate appear to defend, and he shall then proceed as in other cases, and on judgment rendered and the corporation complying therewith by payment of costs or damages, or both, against them, the corporation shall be seized of the lands and materials; costs shall be awarded or allowed against either party, at the discretion of the jury.

Sec. 11. As soon as three hundred shares of the capital stock of said company shall be subscribed, and annually thereafter, it shall be the duty of the corporation to give three weeks' notice in some newspaper in this State where the office of the secretary of the company shall be kept, if there be any there, and if not, then in some public newspaper nearest thereto, and appoint the time and place for the stockholders to meet and elect directors, who shall be stockholders and citizens of this State, and which election shall be by ballot and conducted under the supervision of one inspector and two judges, appointed by the stockholders present, and the persons having the highest number of votes, shall be declared duly elected, and in all subsequent elections, each share will entitle the owner of the same, or any partner, or by the husband, father, mother, administrator, executor, trustee, or guardian, or by the agent of any corporation, or any person having the right to vote by proxy, to one vote; and the president and directors shall have the power and are hereby authorized to put any portion of said road under contract, and that the previous acts of said company in reference to this subject be legalized.

Sec. 12. It shall be the duty of the directors elected as above and those elected at all subseqent elections, to elect one of their own body as president. The president and directors thus elected

shall continue in office until the next annual election, and until their successors are elected and qualified.

Sec. 13. Certificates of stock shall be given to stockolders, which shall be evidence of stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferred on the books of the corporation, personally or by agent, or by attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be held by the corporation for any dues from the holder thereof, to the corporation, or for any sums that may thereafter become due on contracts made prior to such transfer.

Sec. 14. The corporation shall have power to call for such portions of the stock subscribed for, not exceeding twenty-five dollars on each share in any one year, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some newspaper of this State, or by written notices given to stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment, and if any stockholder shall neglect or refuse to pay any such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount due, with ten per cent. damages for the detention of the same, and if the amount cannot be made on execution of said delinquent, and if said delinquent is out of the State, then said corporation may, by an order on their books, declare said stock forfeited to the corporation, with whatever amount may have been paid thereon, and no such delinquent, before the forfeiture of his stock, shall have any right to vote for directors or receive any dividend on his, her, or their stock, until the corporation is fully satisfied. The corporation shall require of any officers and others in their employ bonds with security, as they may think proper, for the faithful discharge of their duty.

Sec. 15. That when the said corporation shall have obtained the right of way, as herein provided for, they shall have the sole use and occupancy of the land over which the same is located.

Sec. 16. The corporation shall commence the said road within three years, and complete the same within twenty years from its commencement; *Provided, however*, If ten miles of said road shall be completed within the time aforesaid, the charter shall not be forfeited as to that part of the road so completed.

Sec. 17. The corporation shall cause said road to be opened not exceeding one hundred feet, at least eighteen of which, shall be thrown up into a curve, in such a manner as to secure a firm, substantial, and even road, and shall constantly be kept in repair, and in no case, shall the ascent of the road be greater than five degrees.

Sec. 18. That whenever said road, or any particular section thereof, shall have been located, it shall be the duty of the said corporation to cause a plat thereof, to be filed in the office of the Secretary of State, and after that time, it shall not be lawful for the corporation to alter or change said road, unless by contract with the proprietors of the lands over which such proposed change is to be made.

Sec. 19. That if said road, after its completion, or any section thereof, shall be suffered to go into decay, so as to be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

Sec. 20. So soon as the corporation shall have completed said road, or any section of five miles thereof, the said corporation shall be at liberty to erect toll-gates not less than five miles apart, (except in the immediate vicinity of towns,) and demand and receive of persons travelling said road, such tolls as are hereinafter directed.

Sec. 21. That the following shall be the rates of toll for every ten miles of said road, to-wit: For every carriage, wagon, or other vehicle, drawn by one horse or other animal, fifteen cents; for each horse or other animal in addition, five cents; for each sled or sleigh drawn by one horse or other animal, ten cents; for each horse or other animal in addition, five cents; for any of the vehicles aforesaid, used chiefly as pleasure or traveling carriages or for the purpose of conveying passenger or passengers and their baggage, five cents; for each person or passenger, exclusive of the driver so carried, in addition to the rates above prescribed; for each horse and rider, ten cents; for each horse, mule, or ass six months old and upwards, led or driven, five cents; for each head of neat cattle six months old and upwards, two cents; and each hog or sheep, one cent; and one-half of said amount for each five miles of said road; *Provided*, That persons going to and returning from places of public worship on the Sabbath day, and funeral processions shall pass free.

Sec. 22. If any person or persons using any of said road, shall, with intent or view to defraud said company, pass through any private gate or bars, or along any other ground near the said road, or shall practice any fraudulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to such company, the sum of five dollars, without any stay of execution, to be recovered by an action of debt, at the suit of the corporation, before any justice of the peace, or other court having jurisdiction of the proper county; *Provided*, That nothing in this act shall be so construed as to prevent any person residing on said road, from passing thereon, about their premises between the gates, for common and ordinary business.

Sec. 23. If said corporation shall fail, for thirty days in succession, to keep in repair said road, and complaint thereof, be made to any justice of the peace of the county, it shall be his duty, forthwith, to summon three disinterested freeholders to examine the

same, and he shall give notice to the nearest toll-gatherer of the time when said freeholders shall proceed to examine that part of the road complained of; and the said freeholders, after having taken an oath or affirmation to act impartially, they shall proceed in the examination, and if they shall find the same out of repair, they shall certify the same to said justice, whose duty it shall be, forthwith, to transmit a copy of such certificate, to the nearest toll-gatherer on such road, and from the time of receiving the same, it shall not be lawful to receive any toll on the section of the road, for ten miles where such road is out of repair, until the same has been in full and complete repair, under the penalty of five dollars, to be recovered of said corporation, by action of debt, at the suit of the party aggrieved and for his benefit.

Sec. 24. The company shall put up a post or stone at the end of every mile, with the number of miles fairly cut or painted on the same, and also in a conspicuous place, near each gate, shall be placed a board with the rate of toll fairly painted thereon, and such other matter in relation to direction as may be necessary. If any toll-gatherer on said road shall unnecessarily detain any passengers after their toll has been paid or tendered, or shall demand or receive greater toll than is allowed by this act, he shall, for every such offence, be fined in any sum not more than one hundred dollars, before any court of competent jurisdiction; and the State shall have the right to purchase the stock of said company at any time after fifty years, by paying said corporation a sum of money which, together with the tolls received, shall equal the costs and expense of said road as aforesaid, with an interest of fifteen per cent. per annum, and the books of said corporation shall be always open for inspection of any agent of State appointed for that purpose by the legislature, and if said corporation shall neglect or refuse to exhibit at any time, their books and accounts agreeably to this section, when thereunto required, then all their rights and privileges granted by this act, shall close and be ended.

Sec. 25. Such company may make, enact, and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel upon such roads, and the rules to be observed by persons in meeting or passing with teams and vehicles, and the width thereof, and all other matters, including the times and places of holding elections, which may be deemed for the welfare of such company. Any person violating any ordinance or by-law made by such company, shall forfeit and pay to such company the sum of five dollars, to be sued for and collected according to the provisions of the twenty-second section of this charter.

Sec. 26. *And be it further enacted*, That the said Madison and Napoleon Turnpike Company be, and they are hereby authorized and empowered to extend said Turnpike and Plank Road from said town of Napoleon, on, along, and upon the Michigan road, or on, along, or upon any other road that they may choose, under the provisions of this charter, to the city of Indianapolis, as fully and amply as the company might or could do, if the said city of Indianapolis had been the original termination of said road, instead of the said town of Napoleon.

Sec. 27. And that the President and Directors of said company are hereby authorized and empowered to increase the stock of said company to any amount not exceeding five hundred thousand dollars

Sec. 28. Before said road shall be run through any county in which the consent of the county commissioners thereof has not been already obtained, said company shall procure the consent of said county board, and whenever the road is not laid on the Michigan road, it shall not exceed sixty feet in width.

Sec. 29. This act may be repealed by the legislature whenever the charter is forfeited.

Sec. 30. This act to be in force from and after its passage, and all laws contravening the provisions of this act are hereby repealed.

CHAPTER XXX.

An Act to vacate Streets and Alleys therein named.

[APPROVED JANUARY 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the street running north and south in the town of Manilla, as lays north of the Rushville and Shelbyville State road, and between lots number seven and eight, in said town of Manilla; and so much of an alley in the town of Brookville, in Franklin county, as lies west of Main Burgess street, and between lots number fifty-seven, fifty-eight, fifty-nine, sixty-one, sixty-two, sixty-three, and sixty-four, in that part of said town of Brookville, laid out by Jesse B. Thomas, and others, be, and the same are hereby vacated; and the property vacated in the town of Manilla vested in Jacob Mull, James Trees, and their heirs and assigns, forever.

Sec. 2. This act to be in force from and after its passage.

CHAPTER XXXI.

An Act to locate a State Road in the counties of Martin, Orange, and Crawford.

[APPROVED DECEMBER 28, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Erral Douglass, of Martin county, F. B. Dillard, of Orange county, and G. W. Rice, of Crawford county, are hereby appointed Commissioners to view, mark, and locate a State road, commencing at Hillsborough, in Martin county, thence on the nearest and best route to New Prospect, French Lick, Dillard's Mills, in Orange county, thence to intersect the Troy State road at David Rice's farm, in Crawford county.

Sec. 2. Said Commissioners shall meet at Hillsborough, in the county of Martin, on the first Monday in June next, or on any subsequent day agreed upon by said Commissioners, and after taking the oath or affirmation prescribed by law, shall proceed to view, mark, and locate said State road.

Sec. 3. Said Commissioners, county Auditors, and Boards of county Commissioners for said counties shall, in all things be governed by the laws now in force regulating the laying out and establishing highways.

Sec. 4. This act to be in force from and after its passage.

CHAPTER XXXII.

An Act amendatory of an act entitled "an act to incorporate the Delphi and Frankfort Plank Road Company," approved January 15, 1849.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Delphi and Frankfort Plank Road Company, in addition to the power given to said company, be, and they are hereby authorized and empowered in their corporate name to hold, possess, purchase, and enjoy, by deed or deeds of conveyance to them in fee simple, land and lots, or real estate, not exceeding twenty thousand dollars in value at any one time, for the purposes of erecting and keeping toll gates, and for the erection of mills, or for the purpose of procuring timber or other materials for constructing or repairing of said road, and that said company shall have power,

and they are hereby authorized, upon an order of a majority of the directors of said company, in their corporate name to sell and convey such real estate as they may at any time so hold and possess, by deed or deeds, signed by the President of said company, to which shall be attached the seal of said company, and such deeds when so executed and acknowledged, before some officer authorized to take acknowledgments of deeds, shall confer a complete and legal title to the person to whom the same may be made.

Sec. 3. That the plats required to be filed with the Auditors of the counties of Carroll and Clinton when said road is located, need not be filed as required by the twenty-sixth section of said act, to which this is an amendment, but that the said company be required, so soon as said road is made and completed from Delphi to the county line, between said counties of Carroll and Clinton, to file a plat of the route on which said road is located in Carroll county, with the Auditor of said county, and so soon as said road is completed from said county line to Frankfort, that a like plat of said road from said county line to said town of Frankfort be filed with the Auditor of Clinton county, and so soon as said road is completed to its termination, like plats be filed with the Auditor of said Clinton county, and should it pass into or through any other county, a plat of such part of said road as runs through any portion of such county, shall be filed with the Auditor of such county.

Sec. 3. The said company shall have power, and they are hereby authorized to make and construct said road in the manner provided for in said charter, either to the Michigan road, as in said charter provided, or the said company may abandon said route from the town of Frankfort to said Michigan road, and run the same from said town to the town of Lebanon, in Boone county, as they may deem most advisable.

Sec. 4. All laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Sec. 5. This act to take effect and be in force from and after its passage.

CHAPTER XXXIII.

An act to amend the charter of the Indianapolis and Bellefontaine Railroad Company.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the Indianapolis and Bellefontaine Railroad Company to issue and sell any amount of bonds of said company, bearing an interest of seven per cent., payable semi-annually, that the board of directors may from time to time find

necessary to procure funds to purchase the iron for the road, and to stock the same with the necessary locomotives and cars, and for no other purpose whatever: *Provided*, That the bonds aforesaid shall not run less than five years, and shall not be sold for a less sum than the bonds heretofore authorized to be issued, and shall not be of a denomination less than one hundred dollars each, and said bonds when issued shall in like manner as the other bonds constitute a like lien until paid, and may be converted into the stock of the company, at the will of the holders.

Sec. 2. All notices to be given in proceedings under the charter against others may be served by a constable or the sheriff of the proper county, or in case of non-residents, by written or printed notices, one of which shall be posted up in the clerk's office, and another at the court house door for at least ten days prior to the day of trial or other proceedings, which notices shall be posted by the justice of the peace before whom such proceedings are had or cause is pending, upon the filing of an affidavit before said justice of such non-residency, naming the defendants, or stating that they are unknown, and guardians ad litem may be appointed by the justice of the peace or other courts in proceedings under the charter, as is provided by law in other cases at law or in chancery.

Sec. 3. The judgment of the justice of the peace in any proceeding under the 19th section of the charter, if not appealed from within thirty days, shall be final, and whether the jury assess damages or not, shall absolutely vest in said company the right of way through or over the lands, or the right to take and apply stone, timber, gravel, or other materials: *Provided*, Said proceeding shall have been instituted and prosecuted for the purpose of procuring the right to take and apply stone, gravel, or other materials, &c., as the case may be, as is now provided where an appeal has been taken, and final judgment rendered by the circuit court, and in all cases where the jury assess no damages the justice of the peace shall render judgment against those against whom such proceedings were had, for the costs occasioned thereby.

Sec. 4. In case any land owner shall feel himself aggrieved by the contractors entering upon his lands and removing timber, stone, gravel, or other materials necessary for constructing the road, and the company have failed to have his damages assessed, as provided by the charter, such land owner shall have the right to file his complaint before some disinterested justice of the peace of the county in which such lands are situate, stating succinctly the cause of complaint. Thereupon said justice of the peace shall issue a notice to the president and directors of said company, which shall be returnable within ten days, and shall also cause a jury to be summoned, as provided in the 19th section of the charter, to assess said damages, who shall take the same oath as in said section required, and be governed by the same rules in assessing said damages, and an appeal may be taken by either party to the circuit court within

thirty days, as in said section provided, and the judgment of the circuit court shall be final.

Sec. 5. The notice to the president and directors, as provided for in the last section, may be served upon the directors residing in the county where such complaint is made, or a majority of them; *provided however*, That nothing contained in the charter of the said Indianapolis and Bellefontaine Railroad Company, nor anything contained in this amendment thereto, shall be so construed as to prevent or prohibit the owner or owners of any land through or over which said road may pass, or the owner or owners of any stone, gravel, or other materials used or sought to be used by said company in the construction of said road, from prosecuting an appeal or writ of error to the Supreme Court of the State of Indiana from the decision of any circuit court in any cause in which the right of way through or over any lands along said railroad line, or the right to take and use any stone, gravel, or other materials in the construction of said road, shall in any wise be affected; but said owners shall have the same right to prosecute appeals and writs of error as that now given to parties in other causes; *provided further*, That said appeals and writs of error, when so prosecuted, shall be governed by the same rules and regulations that now govern appeals and writs of error to the said Supreme Court in other causes.

Sec. 6. This act shall be deemed a public act and be in force from and after its passage.

[The foregoing bill was presented to me on the 4th day of January, 1850, for approval. It has not been approved nor returned to the Senate with my objections down to this 10th day of January, 1850 (for the reason, I refer to my special message of 31st of December, 1849, to the Senate, on the subject of the Crawfordsville and Lafayette Railroad), and has therefore become a law.

JOSEPH A. WRIGHT.]

CHAPTER XXXIV.

An Act to amend the charter of the city of Evansville.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the common council of the city of Evansville, shall have full power and authority to cause all ponds, swamps, and wet lands lying within two miles of the corporate limits of said city, to

be drained at the expense of said city, and of the owners of such ponds, swamps, and wet land; and for that purpose shall have full power and authority to make, or cause to be made, all needful surveys and examinations; and also, full power and authority to cause to be dug, made, constructed, and kept in repair at the expense of such owners, all ditches, drains, sewers, culverts, and aqueducts which to the said common council shall seem needful or expedient for that purpose; and all structures of earth, wood, stone, or other materials, which may be found necessary to preserve and keep in repair such ditches, drains, sewers, culverts, and aqueducts, and prevent the water flowing therein from doing injury to private or public property.

Sec. 2. The said common council shall have full power to determine and prescribe the time and mode of draining any such ponds, swamps, and wet land, and the materials of which any of the above named structures shall be made, and the location, form, and dimensions of every such structure: *Provided*, That no unnecessary injury shall be done to private property by the construction thereof, and every person shall have the right to recover from the city of Evansville all damages which such person may sustain over and above the benefits derived from the construction thereof.

Sec. 3. After any ditch, drain, sewer, culvert, or aqueduct is constructed or repaired as above provided for, the said common council shall ascertain, order, and fix the proportion of the cost thereof to be paid by the owner of each tract or piece of land drained thereby, whether such land lie within two miles of said city or not, and cause notice thereof to be given by publication at least once in each week for three successive weeks in some public newspaper printed and published in said city.

Sec. 4. If within ninety days after such notice is given as aforesaid, no objection be made to the payment of any amount or proportion of the cost of any such structure or repairs so fixed by the common council as aforesaid, each and every owner of property affected thereby, shall be deemed to have assented to the order of the common council in fixing the amount to be paid by him or her, and thenceforth every such owner shall be debarred from objecting thereto, and shall pay the amount so ordered to be paid by him or her, to such officer as may be authorized by the common council, or by the by-laws of said city to receive the same.

Sec. 5. If within ninety days after notice given, as provided for in the third section of this act, the owner of any property affected thereby shall, by himself or his agent, file with the clerk of the said common council, objections in writing to the payment of the amount fixed and ordered to be paid by him as above provided, the said common council shall cause a writ to be issued by the mayor of said city, directed to the marshall of said city, or the sheriff of Vanderburgh county, commanding him to summon twelve disinterested freeholders of the neighborhood to assess and fix the proportion of the cost of any such structure or repairs made as aforesaid, to be

paid by each person whose real estate is drained by means of any such ditch, drain, sewer, or aqueduct; and it shall be the duty of the twelve freeholders so summoned, to proceed on a day fixed by the officers summoning them, of which he shall notify the person filing his objections as aforesaid, to view the real estate drained as aforesaid, and after such view to fix the amount to be paid by each owner as aforesaid, and make report thereof in writing, under their hands, to the officer summoning said freeholders as aforesaid, who shall return such report to the clerk aforesaid, to be by him filed and preserved, and the common council shall order the payment of the cost of such structure and repairs according to the report of said freeholders.

Sec. 6. The amount fixed and ordered to be paid by any person as aforesaid, shall be a lien on his land which is drained as aforesaid, and shall be collected and paid into the city treasury of the city of Evansville, in the same way, and subject to the same rules and regulations in all respects as the cost of abating a nuisance caused by a pond or pool of water within said city, is authorized to be collected and paid by the charter of said city, and the by-laws made in accordance with said charter.

Sec. 7. Nothing in this act contained shall be so construed as to authorize [the] said common council to drain as aforesaid, any mill pond caused by a dam lawfully erected or maintained, without first obtaining the consent of the owner thereof, nor shall said common council have power to cause any such sewer, ditch, culvert, or aqueduct to be constructed as aforesaid, within the corporate limits of any other incorporated town or city, without first obtaining the consent of the corporate authorities of said town or city.

Sec. 8. This act shall be in force from and after its passage, and it shall be deemed a public act, and as such shall be taken notice of by all courts and persons.

CHAPTER XXXV.

An Act to incorporate the Tippecanoe Fire Company.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That W. K. Rochester, Owen Ball, John Lilly, W. F. Lane, E. T. Jenks, Jacob Homan, and J. L. Meredith, of the town of Lafayette, and county of Tippecanoe, their associates and successors, to the number of not more than one hundred and fifty, be, and they

are hereby, constituted a body politic and corporate, by the name and style of "the Tippecanoe Fire Company," and by that name, during the continuance of this act, shall have succession, sue and be sued, plead and be impleaded against, in any court of law or equity, contract and be contracted with, have power to take, hold, and convey real and personal property necessary for the purpose of extinguishing fire, and the preservation of tools and implements of the said company, and to purchase fire engines, hose, hooks, ladders, and other apparatus pertaining to said implements, and hold the same to the amount of ten thousand dollars, and have and use a common seal, and change and alter the same at pleasure.

Sec. 2. The said corporation shall have full power to make and establish such by-laws, rules, and regulations, as they from time to time shall think proper, as to the time, place, and manner of electing their officers, and as to the period of their continuation in office, and for fixing the time and place of meeting of said company, for regulating the manner of conducting their business when met, and to compel the attendance of members at the meetings of the company at fires, and with respect to all such other matters whatsoever, as relate to the purposes for which this corporation is constituted.

Sec. 3. The members of said corporation shall be exempt from working on roads; and a certificate, signed by the president and attested by the secretary, with the seal of said company annexed, shall be competent evidence in all cases, that the person to whom it is given is, and has been, a member of said company.

Sec. 4. All fines incurred by this act, or the by-laws, rules, or regulations of said company, shall, and may be, recovered by the treasurer of said company, in the name of the company, before any justice of the peace of the said county of Tippecanoe, with costs of suit, in which action it shall be lawful to declare generally in debt for each fine or penalty, and give the special matter in evidence, and the defendant may plead the general isssue, and give the special matter in evidence, and all fines and penalties so recovered shall be appropriated in such way as may be directed in the by-laws of said company.

Sec. 5. The by-laws, rules, regulations, and private transactions of said company, shall be entered in a book kept for that purpose, which entries may be given in evidence in any trial, for the recovery of any fine or penalty which may be incurred by virtue of this act.

Sec. 6. This act shall be a public act, and be judicially noticed, and be liberally construed by all courts of this State, and the General Assembly may, at any time hereafter, modify, amend, or repeal the same.

This act to take effect from and after its passage.

CHAPTER XXXVI.

An act to legalize the acts of the Board of County Commissioners of the counties of St. Joseph, Marshall, and Fulton, in assessing the road tax in said counties for the year 1849.

[APPROVED DECEMBER 28, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the assessments of taxes made by the Board of County Commissioners in the counties of St. Joseph, Marshall, and Fulton for road purposes, at the June session in 1849, be and the same is hereby legalized.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXXVII.

An act to incorporate "The Indiana Asbury Female College."

[APPROVED JANUARY 16, 1850.]

WHEREAS, It has been represented to the present General Assembly of the State of Indiana, that the Indiana Annual Conference of the Methodist Episcopal Church, have determined upon establishing a Female Seminary or College Institution, in the vicinity of the Ohio river in this State, to the support to which they are pledged to use their united efforts, and which seminary is forever to be conducted on the most liberal principles, accessible to all religious denominations, and designed for the benefit of our citizens generally;

AND WHEREAS, It has been represented that in consequence of liberal subscriptions and donations made in the city of New Albany, the healthfulness of the situation, and the eligibility of the location for the convenience of a public institution, the Indiana Conference have selected that place for the establishment of said seminary;

AND WHEREAS, Such a seminary or college in the State of Indiana, if conducted upon free and enlightened principles, would be of immense benefit to our citizens in general, by disseminating knowledge and useful literature; THEREFORE,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That a Seminary of learning be, and the same is hereby established in the city of New Albany, in Floyd county, and State of Indiana, to be known by the name of the "Indiana Asbury Female College," under the direction of fifteen trustees, viz: Somerville E.

Leonard, Thomas Sinex, Jefferson Conner, William M. Weir, Ashbel P. Willard, H. M. Dowling, Edward Brown, jr., Abram Case, William Jones, Thomas H. Bucker, James Hill, John Kearns, John A. Brouse, Miltiades Miller, and William C. Smith who, and their successors, shall be trustees of said institution.

Sec. 2. That the said trustees and their successors, by the name of "the Trustees of the Indiana Asbury Female College," shall be a body corporate, and as such shall forever exist; and they are hereby made capable in law to have, hold, possess, purchase, receive, enjoy, and retain, or dispose of, for the use of said college, any lands, tenements, rents, and annuities, in fee simple, or for a term of years, life or lives, and also money, bonds, bills, notes, goods, chattels, interests, or effects, of whatever nature, quality, or kind soever, by the gift, bargain, sale, or devise of any person, or persons, body corporate or politic, capable of making the same, and the same to grant, alien, devise, sell, and convey in such manner as they shall judge most conducive to the interest of said college. This corporation shall not hold a greater amount of real estate (exclusive of the site for the college and the edifices thereon,) than the value of fifty thousand dollars; which said amount shall be exempt from taxation either for State, county, or city purposes, unless otherwise directed by the Legislature.

Sec. 3. That the said trustees, and their successors in office, under the name and style of "The Trustees of the Indiana Asbury Female College" as aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or courts of record, or justice's court in this State or elsewhere, in all manner of suits, and under all forms of action, in as full and effectual a manner as any person or persons, bodies politic or corporate, of like nature within this State, may or can do.

Sec. 4. The Indiana annual conference, or such other conference as may be formed out of the same by the assent of the Indiana conference, whose jurisdiction shall extend over the Methodist Episcopal churches in said city of New Albany, shall fill all vacancies in the board of trustees that may occur by death, resignation, or otherwise, at the first meeting of the said conference after any vacancy may have happened. And the said Indiana conference at its first meeting after the passage of this act shall appoint any number of visitors not exceeding seven, who, or so many as shall convene with the board of trustees, shall constitute a joint board in the permament appointment of all officers of said college; and said visitors, or so many as shall act, shall report to the conference next succeeding their appointment the condition of said college, and whether it is conducted in conformity with its charter.

Sec. 5. That the said trustees shall have power to appoint annually, from their own body, a president of the board, a treasurer, and a secretary; and the treasurer so appointed shall give a bond, with such security and in such penalty, as said board of trustees shall approve, payable to the State of Indiana for the use of said

college, conditioned for the true and faithful discharge of his duties as such treasurer, and for the safe keeping of all the moneys, and other property of said college, which shall be placed in his hands; and said treasurer shall not pay out any of said moneys except upon the order of the president and countersigned by the secretary; and for any breach of said bond said treasurer and his securities may be proceeded against as upon their official bonds in the proper county in the State of Indiana; and such treasurer shall annually, and as much oftener as said trustees shall direct, render to them a true account of all funds in his hands, and from whom received, and also of all amounts paid out, and to whom; and said trustees shall have power at any time to remove said treasurer, and fill the vacancy by a new election. It shall be the duty of the Secretary to keep accurate minutes of the proceedings of the board. It shall be [the] duty of the president to preside at all meetings of the trustees, when present; and in his absence the board shall appoint a president, *pro tem.*

Sec. 6. That the said trustees and their successors in office, shall have power to make and use a common seal, and alter the same at pleasure; and at any regular meeting of the board, when one or more of said visitors are present, to appoint permanently, a president of said Female College, and such professors and instructors as may, at any time, be necessary for an efficient faculty for said institution, to be known and distinguished by the name of "the Faculty of the Indiana Asbury Female College." And the board, at any meeting, may appoint, temporarily, any of the foregoing faculty, in the absence of such visitor or visitors, until a regular meeting, at which one or more of such visitors may be present. And a majority of the said fifteen trustees, together with a majority of said seven visitors, may, at any time, in joint meeting, by resolution to that effect, declare the appointment or office of any of the faculty vacant, and proceed to fill said vacancy at such joint meeting, or at any future meeting they may designate.

Sec. 7. That the said trustees and their successors in office, shall meet at least twice every year, in stated semi-annual meetings, to be appointed by their own ordinances, and at such other times as by their said ordinances, they shall direct, for the purpose of transacting such business for the prosperity and welfare of the institution, as may come before them, in all which meetings, not less than six trustees shall be present to constitute a quorum for the transaction of business. But a majority of said fifteen trustees shall be required to make, pass, and establish ordinances, rules and by-laws for the government of said Female College, and the proper education of its students, and by them to delegate to the president, professors, and teachers, such powers and authority as they may judge expedient for the wholesome government of the said institution. And the said majority of trustees shall have full power, at any legal meeting, to alter or amend any rules or regulations by them established, and to do all matters and things which they may deem expedient for the faithful fulfilment of their trust.

Sec. 8. That for the purpose of stimulating and encouraging the students in their progress, and promoting the general interests of the institution, the said trustees and faculty shall have full power and authority, once in every year, or oftener, as they by ordinance shall direct, to hold a public commencement, with exercises suited to the occasion, and to graduate with literary honors, such students as shall, from time to time, be found to have merited the same by their character and acquirements. And said trustees and faculty shall have power and authority in furtherance of the aforesaid objects, to confer upon the deserving, any and all degrees, whether honorary or otherwise, in as full and ample manner as in any similar institution, and may issue, when they deem it expedient, testimonials or diplomas, bearing the seal of said college, as certificates of the same, signed by the president of the college. It shall, also, be the duty of the faculty, prior to each commencement, to hold a public examination, in presence of such trustees as shall attend, and other citizens, at which time, all the students of said college shall be examined in the several branches of learning which they have respectively studied, that the fidelity of the teachers and dilligence of their pupils may appear.

Sec. 9. This act is hereby declared to be a public act, and shall be construed liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges hereby granted, shall cause a forfeiture of the same; nor shall any gift, grant, conveyance, or devise, to or for the benefit of the corporation be defeated or prejudiced, by any misnomer, misdescription, or informality whatever; *Provided*, The intention of the parties can be shown or ascertained beyond reasonable doubt.

Sec. 10. This act to be in full force and effect from and after its passage.

CHAPTER XXXVIII.

An act to consolidate the Richmond Turnpike Company, and the Wayne County Turnpike Company, and for other purposes connected therewith.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever the stockholders of the Richmond Turnpike Company, incorporated by an act entitled "an act to incorporate the Richmond Turnpike Company, approved January 15, 1844," and the stockholders of the Wayne county Turnpike Company, incorporated by an act entitled "an act to incorporate the Wayne

county Turnpike Company," approved December 5, 1848, shall assent to the union of the said companies, under the single denomination of "the Wayne county Turnpike Company," it shall be lawful for the Directors of said companies respectively, to form a union of the said two companies, either by a consolidation of the stock of the stockholders in said Richmond Turnpike Company, with the stock in said Wayne county Turnpike Company, thereby making the stockholders in said Richmond Turnpike, stockholders in said Wayne county Turnpike, to the amount of the capital stock invested in said Richmond Turnpike, or by opening books of subscription, and taking new stock to the amount of the capital stock in said Richmond Turnpike, or in any other manner that the said parties may agree upon, to effect the said union; and after the said union and consolidation are effected, the said companies, for the time being, are hereby declared as fully incorporated a body politic and corporate, by the name and style of the Wayne County Turnpike Company, as though the same, and every part thereof, had been originally incorporated under one charter, and shall have the same rights, powers, and corporate privileges over the whole of said two roads that the said Wayne County Turnpike Company has, possesses, or enjoys under its said charter, and the said charter of said Wayne county Turnpike Company is hereby declared to extend to the said Richmond Turnpike, whenever said union is effected, with full right in said joint company, to use and adopt any and all portions of the said act incorporating said Richmond Turnpike Company, and the amendments thereto, that said Wayne County Company may deem necessary to advance its interests.

Sec. 2. After the union aforesaid of said companies, they shall thereafter be known as one company, and the rights, interests, and privileges of the stockholders shall be the same, and in all proceedings, either at law or equity, by or against said joint company, this act and the said act incorporating the said Wayne County Turnpike Company, and any other act or clause thereof herein referred to, after adoption by the directors of said company, shall be, and the same are hereby declared to be evidence of the said joint incorporation, and the rights, privileges, and liabilities under the same, in all courts of justice, and during the existence of said union the organization of said Richmond Turnpike Company shall be suspended, and the directors of the Wayne County Turnpike Company, as it will then exist, under this act of consolidation and union, elected in pursuance of their said charter, shall have the exclusive control and management of the said two roads, and the same shall be kept in good repair, and if the said Richmond Turnpike, as hereinafter mentioned, should revert to its stockholders, the same shall be returned in good repair.

Sec. 3. If, for any cause whatever, the union of said companies should be dissolved, or if the Wayne County Turnpike Company, first aforesaid, should forfeit or surrender its charter, or if the General Government should assume the ownership of said Wayne

County Turnpike, in any such case the persons owning the stock in said Richmond Turnpike Company may immediately resume their rights and privileges under the aforesaid charter of said company, and organize and proceed with business as fully as if said union had never taken place, and the person or persons owning said stock may have and use all the privileges and rights under said charter, anything therein to the contrary notwithstanding; and it is hereby made the duty of the said Wayne County Company, after said union, to keep the stock of said companies separate, so that the books may show who are the stockholders in the respective roads.

Sec. 4. *And be it further enacted*, That the thirteenth section of the aforesaid act incorporating the Wayne County Turnpike Company, approved December 5, 1848, and the first section of the amendment to said act, approved January 15, 1849, be, and the same are, hereby so amended as to authorize said company to erect a gate or gates at such place or places on any completed portion of said road as they may deem for the interest of the company, and the location of such gate or gates to alter or change thereafter at pleasure: *Provided, however*, That the directors of said Wayne County Turnpike Company, may, if they so elect hereafter, by vote entered upon their journal, charge the same rates of toll, and in the same manner authorized to be charged under the said act of incorporation, and the amendments thereto, of the said Richmond Turnpike Company.

Sec. 5. *And be it further enacted*, That so much of the said 13th section of said act, incorporating said Wayne County Turnpike Company, as exempts persons going to and returning from public worship, from paying toll, be, and the same is hereby repealed.

Sec. 6. Said corporation shall have the right to establish the rates of toll on any portion of such road they may think proper, and may demand, sue for, and collect toll of all persons who may use any portion of said road lying between gates, even though such person or persons may not pass through any gate, and when any person uses said road between gates, and refuses to pay toll therefor after demand made by any authorized agent of said company, said company may bring suit therefor in an action of assumpsit before any justice of the peace in Wayne county, and recover said toll, and three-fold the amount thereof, in damages against said person.

Sec. 7. The said company may make dividends at such times as the board of directors may deem proper and expedient.

Sec. 8. That if any person or persons shall injure or obstruct said road or any part thereof, or shall break, injure, destroy, or deface any property, work, edifice, or toll-gate belonging thereto, such person or persons so offending, shall pay to the corporation three times the amount of damages actually done, with the costs of suit, to be recovered by the corporation in an action of trespass before any court having competent jurisdiction.

Sec. 9. This act, and the acts herein referred to and incorporated in this act, shall be taken and deemed to be a public [act,] and as such, shall be favorably construed in all courts, and shall take effect and be in force from and after its passage.

CHAPTER XXXIX.

An Act to amend an act entitled "an act to incorporate the Lafayette Plank Road Company," approved January 3d, 1849.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the rights, privileges, and benefits conferred upon associations or companies, under and by virtue of an act entitled "an act authorizing the construction of plank roads," approved January 15, 1849, be, and the same are hereby vested in, and conferred upon the said Lafayette Plank Road Company, to the same extent, in every respect, as though said company had originally organized under said last recited act: *Provided, however*, That the rates of toll shall remain the same as in said original act of incorporation.

Sec. 2. This act shall be in force from and after its passage and acceptance by said company, and so much of the act to which this is an amendment as conflicts herewith, is hereby repealed: *Provided, however*, That nothing in this act shall be so construed as to repeal the tenth section of the act to which this is an amendment.

CHAPTER XL.

An Act to incorporate a company to construct a turnpike road from Dillsborough to Versailles

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jacob Eggleston and Charles C. Pate, of the county of Dearborn, and James S. Hull, James C. Burroughs, David C. Stone, David Bartlett, and John Hunter, of the county of Ripley, and their

associates and successors be, and they are hereby constituted a body politic and corporate, under the name of the Dillsborough and Versailles Turnpike Company, and by that name may contract and be contracted with, sue and prosecute, and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction, and do and perform all other things lawful for such company to do, and they are hereby invested with all the powers and privileges in any wise necessary and expedient to carry into effect the proper business of the association.

Sec. 2. The capital stock of said company shall consist of the sum of twenty-five thousand dollars, which may be increased at any time to any sum not exceeding double that amount, that may be deemed necessary to carry into effect the legitimate objects of said company, and said stock shall be deemed as personal property.

Sec. 3. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, company, or township, to be paid for in cash, at such time, in such proportion, and upon such notice, as the board of directors hereinafter provided may determine, the call being equal upon all the stockholders.

Sec. 4. Any three of the persons named in the first section of this act shall constitute a quorum for doing business, and so soon as may be by them determined, shall, after giving twenty days' public notice of the time and places thereof, proceed to open books for subscription to the capital stock, and to do all other things necessary for the full organization of the company.

Sec. 5. In case a quorum shall fail to attend at the time and place agreed upon, those attending may either adjourn to another day, or they may consider the station of the absentees, or any of them, as vacated, and appoint some other person or persons to fill the same.

Sec. 6. So soon as may deemed expedient, after seven thousand dollars of the capital stock shall have been subscribed, said Commissioners shall, by giving at least fifteen days' public notice thereof, appoint some suitable time and place for holding an election for five directors, each of whom shall be a stockholder to the amount of at least two shares. Said Commissioners shall, in all things, manage such elections, and give proper certificates to those elected, who shall hold their offices for one year, and until their successors are duly elected and qualified.

Sec. 7. At said election, and at each subsequent election, each stockholder shall have one vote for each share, and such stockholder may vote in person or by proxy given in writing.

Sec. 8. The time, place, and manner of holding all subsequent elections of directors, shall be regulated by the by-laws of the company, except the election shall be annually as near as may be.

Sec. 9. So soon as the first board of directors shall have been elected and sworn into office, said Commissioners shall deliver over

to them the subscription books, together with all other things belonging to the company; said directors shall choose a President, Secretary, and Treasurer from their own body, and this mode of organization and qualification shall be observed and continued by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business, and supply any vacancies that may occur in their own body.

Sec. 10, Said company shall have power to view, mark, locate, and construct a turnpike or plank road, at their discretion, from Dillsborough, in Dearborn county, to Versailles, in Ripley county, and if said company shall determine to make a plank road, it shall be made at least eight feet wide of plank, and eight additional feet of earth thrown up to a level with the plank, and in case they determine to apply stone or gravel instead of plank, said road shall be made of the same width as the Aurora and Laughery turnpike, and have the amount of stone or gravel which is necessary to make a firm and compact road, and if it shall be found necessary and advantageous to the location and construction of said turnpike road, the company shall have the right to lay the same along and upon any state or county road.

Sec. 11. If said company shall determine on using plank instead of stone in the construction of said road, and a proper grade cannot be had for planking at any point on the track of said road, stone or gravel may be there applied instead of plank.

Sec. 12. Said company may adopt such rules and regulations, and make such by-laws as, in their judgment, the business and affairs of the company require, and such as are expedient to perform the duties and carry out the powers vested by this act.

Sec. 13. They shall also have power to appoint all needful officers, agents, and operatives, and require them, or any of them, to give such bonds as may be deemed necessary.

Sec. 14. To enforce payment of all stock subscription, at such time and places, and in such proportions as may be directed, which payment may be enforced by forfeiture of the stock to the company, together with any payment made thereon, or by suit.

Sec. 15. To issue certificates of stock of denominations of not less than $25, and to regulate the mode of transferring the same.

Sec. 16. To acquire lease, sell, and dispose of such real estate as may be expedient for the interest of the company.

Sec 17. To enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners of land and materials for the reasonable value thereof.

Sec. 18. To erect, continue, and keep toll-gates, and to establish, charge, and collect tolls of all persons using said road, except such as are going to and returning from church on the Sabbath day, and those who are in attendance on funeral processions.

Sec. 19. To make and declare dividends of the profits to the

holders of stock, and to do all other things proper to carry out the intent and meaning of this act.

Sec. 20. That in all cases when any person through whose land said road may run, shall refuse to relinquish his land, or permit the company to occupy the same, or when a contract with the parties cannot be made, it shall be lawful for the company to give notice to some justice of the peace in the township where such circumstances may exist or occur, and such justice shall thereupon summon the owner of the land to appear before him on a certain day, within ten days thereafter, and shall call before him a jury of six disinterested men of the neighborhood, or such number as may be agreed upon by the parties, who shall, after having taken an oath faithfully and impartially to assess the damages, if any, view the land and materials, and after taking into consideration the advantages and disadvantages the road may be to the same, shall report thereon, whether such person is entitled to damages or not, and if any, what amount, and file such report with such justice; whereupon such justice shall enter judgment thereon, unless for good cause shown, or unless the damages shall exceed the sum of one hundred dollars. In case damages exceed one hundred dollars, it shall be the duty of such justice to file the same, properly certified, in the circuit court of the proper county, and judgment shall be had thereon in the same manner as judgments are had upon appeals from justices of the peace, and in case either party can show good cause why the justice should grant a review, he shall order the same to be reviewed either with or without costs; either party may appeal to the circuit court of the proper county, as in other cases, and the case there tried *de novo*, and final judgment rendered; and such court shall appoint reviewers, who may report at that or the succeeding term, until which report judgment shall not be rendered.

Sec. 21. The following shall be the rates of toll for each and every ten miles of said road, and in the same proportion for a greater or a less distance, to-wit: for every four wheeled vehicle, drawn by one horse or other animal, not exceeding fifteen cents; for every horse or other animal in addition, five cents; for every two wheeled vehicle, drawn by one horse, ten cents; for every horse or other animal in addition, five cents; for every sled or sleigh, drawn by one horse or other animal, five cents; for every horse or other animal in addition, five cents; for every horse and rider, five cents; for every horse, mule, or ass, six months old and upwards, led or driven, not exceeding three cents; for every head of neat cattle, six months old and upwards, not exceeding two cents; and each hog or sheep, two cents; and may erect a toll-gate when five miles of said road are completed.

Sec. 22. If any person or persons, using any part of said road, shall, with intent to defraud said company, pass through any private gate, or bars, or along any other ground near said road, or shall use any fraudulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice, shall,

for every such offence, forfeit and pay to said company the sum of five dollars, without stay of execution, to be recovered in an action of debt, at the suit of the company, before any justice of the peace of the proper county: *Provided*, that nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises between the gates for a common and every day business.

Sec. 23. The board of directors of said company, or any agent by them lawfully authorized, shall have power to negociate any loan or loans that may be deemed by said company expedient for carrying out any or all the objects contemplated by this act, and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the president and attested by the Secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company, in the order of their issue; and all the effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal.

Sec. 24. The directors of this company shall have five years in which to commence the construction of said road, and ten years in which to complete it; and when said road is located and the directors decide to commence the work, they shall commence at Dillsborough and proceed towards Versailles.

Sec. 25. The road shall be kept in good repair, and the directors shall be held individually liable for all debts contracted by the company over and above the solvent stock.

Sec. 26. This act to take effect and be in force from and after its force.

CHAPTER XLI.

An act to amend an act entitled "An act to incorporate the Crawfordsville and Wabash Railroad Company," approved January 19, 1846, and an act amendatory thereto, approved February 15, 1848.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the Crawfordsville and Wabash Railroad Company to borrow money either within this State or out of it, from any person or persons or body corporate, at such rate of interest either at, above, or below six per centum per annum as may be agreed upon, and to pledge such security for the redemption of such loan as the creditor and said company may contract for; they

may issue bonds or other obligations for the purpose of raising money or procuring materials, and may sell or dispose of the same either within or without this State, upon such terms as may be agreed upon, and if such bonds or obligations are thus sold at a discount, that such sale shall be as valid in every respect as if they were sold at their par value: *Provided*, That said company or corporation shall be and are hereby prohibited from issuing any bond or other obligation of a less denomination than fifty dollars.

Sec. 2. And whereas, Said company is now in active operation, and in the execution of the purpose for which it was created, *Be it further enacted*, That any omission or defect in the proceedings of the commissioners or of the said company in the organization shall not affect or prejudice the corporate rights of said company, but the said company is hereby declared a corporation in fact and in right, and the organization of the same previous to the election and qualification of the first board of directors is hereby legalized, together with the subsequent acts of the board of directors.

Sec. 3. In all cases when the owner or owners of land, earth, sand, gravel, stone, or other materials necessary for the use and construction of said road, shall refuse to accept a fair compensation therefor, or where a contract for the same cannot be agreed upon between said company and the owner or owners, it shall be lawful for the corporation, by their president or by any superintendent, agent, engineer, or hands employed by them, to enter upon and take possession and use the same, avoiding in all cases unnecessary damage, or injury to the owners or proprietors, and where the said owner or owners may feel aggrieved or injured in consequence of such use of land, earth, sand, gravel, stone, or other materials, the person or persons so feeling aggrieved or injured shall make written complaint before the nearest justice of the peace within the county where such supposed injury has been done, particularly setting forth the nature and locality of the injury, and the interests of the complainant or complainants therein, whereupon such justice of the peace shall require the president of said company to appoint one disinterested appraiser, who shall be a citizen of the county in which such justice has jurisdiction, and who shall not be a stockholder in said company; such justice of the peace shall also require the complainant or complainants to appoint one disinterested appraiser, who shall be a citizen of the county, and shall not own land within three miles of the line of said road, and such justice shall thereupon summon the appraisers so appointed to meet on a certain day within twenty days from the filing before him of such complaint, and select a third disinterested appraiser, who shall also be a citizen of the county, and shall neither own stock in said company nor land within three miles of the line of said road, and the three appraisers so appointed, after being duly sworn by said justice to do impartial justice between the complainant or complainants and the corporation, and to take into consideration the benefits resulting to the complainant or complainants by the construction of the road, according to the best of their judgment, shall, upon actual trial and computation of the supposed damages, make up their award, and report the same to such justice, who shall thereupon record the same, together with all costs, and enter his judgment and enforce its collection in the same manner that judgments are collected, and the decision and award of the appraisers so made shall be final between the parties, unless either party shall appeal the same to the circuit court of the county where such difficulty arose within thirty days after such award is made; and when such appeal is taken, as in other cases, such court shall appoint reviewers, as above directed, who may report at that or succeeding terms, in the discretion of the court, and the judgment of the circuit court shall be final: *Provided*, That no claim shall be recovered or paid by said corporation unless the application therefor be made as herein provided, within two years next after the property shall have been taken possession of, as aforesaid; and each appraiser shall be allowed one dollar per day for each day he may be actually employed.

Sec. 4. It shall be lawful for said company to purchase from the owners of the same, tracts or parcels of land through which the line of said road may be located, for the purpose of procuring the necessary timber, gravel, and other materials for the construction of said road, and for the purpose of procuring the necessary places for depots, machine shops, and the erection of other buildings for the use and benefit of said company, and to sell or dispose of such part or parts of said tracts of land as said company may desire, at such time and at such prices as may be agreed upon, and to convey the same by good and sufficient deed of conveyance to the purchaser or purchasers thereof: *Provided*, That said company shall not purchase in any one tract of land over two hundred acres.

Sec. 5. The said corporation shall have full power to hold and convey any real estate which may be vested in them in the payment of capital stock which may be subscribed payable in real estate, and to purchase, hold, and convey any real estate which may be levied upon and exposed to sale by virtue of an execution or decree in favor of said corporation. All conveyances, leases, and transfers of real estate to and from said company shall be in the corporate name of said company, and all conveyances, leases, and titles from said company shall be sealed with the seal of said company, signed by the president and countersigned by the secretary thereof.

Sec. 6. That so much of the act entitled "An act to incorporate the Crawfordsville and Wabash Railroad Company," approved January the 19th, 1846, and an act amendatory thereto, approved February the 15th, 1848, as conflicts with the foregoing provisions of this act be, and the same is hereby, repealed.

Sec. 7. This act shall take effect and be in force from and after its passage.

[The foregoing bill was presented to me on the 27th day of December, 1849, for approval. It has not been approved nor returned to the Senate with my objections down to this 2d day of January, 1850, and has therefore become a law.

JOSEPH A. WRIGHT.]

CHAPTER XLII.

An Act to amend an act to provide for the construction of a Railroad from Martinsville, in Morgan county, to Franklin, in Johnson county.

[APPROVED, JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the Martinsville and Franklin Railroad Company to establish and re-locate their road, or any part thereof, between Morgantown and the Madison and Indianapolis Railroad on any ground they may think proper, making their point on said Madison and Indianapolis Railroad, either at Franklin or Edinburgh, or at any intermediate point they choose on said road.

Sec. 2. This act to be in force from and after its passage.

CHAPTER XLIII.

An Act legalizing the election of Trustees of the town of Cloverdale, in Putnam county.

[APPROVED, JANUARY 19, 1850.]

Be it enacted by the General Assembly of the State of Indiana, That the election of Trustees of the town of Cloverdale, in the county of Putnam, be and the same is hereby legalized.

CHAPTER XLIV.

An Act to change the name of Abraham Moore, to that of Cyrus Moore Dunham.

[APPROVED, JANUARY, 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of Abraham Moore of Salem, in Washington county, Indiana, be and the same is hereby changed to that of Cyrus Moore Dunham.

Sec. 2. This act to be in force from and after its passage.

CHAPTER XLV.

An Act to provide for the election of Trustees of the town of Lafayette, by single districts.

[APPROVED, JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter there shall annually, on the first Monday in May, be a poll opened in each of the several districts of said town of Lafayette, at such places as shall be designated by the Board of Trustees of said town, at which the voters residing in said district, and who shall have resided there for ten days preceeding such election, shall vote for one trustee to represent such district in the Board of Trustees of said town.

Sec. 2. The Board of Trustees of said town shall appoint a resident freeholder of each district, to be inspector of the election of such district, who shall select two judges and one clerk, to conduct such election, after being duly qualified according to law; *Provided, however,* that if such board fail to make such appointment, or having made it, the person they appoint, shall fail or refuse to serve, the voters of such district on the day of such election, shall select one of their number to act as inspector, who shall have the same power as though appointed by such Board of Trustees.

Sec. 3. That the inspectors of such several districts, shall, within three days after such election, file in the Clerk's office, of the county of Tippecanoe, the poll books and votes of such election, and such clerk is hereby directed forthwith to issue his certificate to the person having received the highest number of votes for Trustee at such election, and should no person have received the highest vote, the clerk shall report such fact to the Board of Trustees, who shall fill such vacancy as hereinafter provided; and it is further enacted that

the expenses of such election and certificates shall be audited and paid by said Board of Trustees.

Sec. 4. Should any vacancy occur in said Board of Trustees by death, resignation, failure to elect, removal from the district, or otherwise, the remaining members of said board shall, within ten days thereafter, proceed to fill such vacancy by appointing some qualified person of such district, who shall serve for the unexpired term of such vacancy; *Provided, however*, that if the qualified voters of the district when such vacancy may occur, or a majority of such voters shall present to the board a petition within the time aforesaid, recommending the appointment of a qualified person of such district, the board shall appoint such person to fill the vacany.

Sec. 5. Should either of such inspectors, or the clerk of said court fail, or refuse to discharge the duties herein required of them, or should any person vote at such election, not having the proper qualifications of a voter to vote at such election, each and every person so offending, shall, upon conviction thereof in the Circuit Court of Tippecanoe county, upon presentment or indictment, be fined in any sum not less than two, nor more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding ninety days.

Sec. 6. This act is hereby declared to be a public act, and shall be in force from and after its passage, and the Secretary of State is directed to forward a certified copy thereof, to the Clerk of the Circuit Court of Tippecanoe county.

CHAPTER XLVI.

An act to amend an act entitled "an act to incorporate the Peru and Indianapolis Railroad Company," approved January 19, 1846.

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second and fifth sections of the recited act aforesaid, be so amended that the company may issue stock, as well in shares of the denomination of twenty-five dollars, as of the denomination of fifty dollar shares authorized by said act; and any and all persons or bodies politic or corporate, who may become entitled to receive or hold such twenty-five dollar shares shall be subject to all the restrictions, obligations, requirements, suits, penalties, and forfeitures, and be entitled to all the rights and benefits, receipts, profits, dividends, or other privilege in proportion to his, her, or their interest in the sum of the capital stock, that is, or may be, granted

to or required from the holders of the capital stock, in shares of the denomination of fifty dollars; and in all elections twenty-five dollars of the capital stock shall entitle the holder to one vote, which may be given as contemplated by the act to which this is an amendment.

Sec. 2. That the 17th section of the act to which this is an amendment, with respect to the number of viewers in the case of non-residents, minors, or insane persons, be so amended as to reduce the number of viewers to three.

Sec. 3. The act to which this is an amendment, is hereby further so amended as that the annual election for directors shall be held on Tuesday after the second Monday of September annually.

Sec. 4. All acts or parts of acts, so far as the same may contravene the provisions of this act, are hereby repealed. This act to take effect and be in force from and after its passage.

CHAPTER XLVII.

An Act for the relief of David Baker, of Cass County.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That David Baker, of the county of Cass, be, and he is hereby authorized to file a bill for a divorce in the Cass Circuit Court, against his wife, Mary Baker, without reference to the time of the abandonment of the said Mary of her said husband, and on the trial, it shall not be necessary for the said David Baker to prove particular time of said abandonment; and the said Cass Circuit Court is hereby authorized to grant a divorce without reference to the time of the abandonment, if, in their discretion, the facts proven will justify it.

Sec. 2. This act to be in force and take effect from and after its passage and publication in the Indiana State Journal and State Sentinel.

CHAPTER XLVIII.

An Act to incorporate the Vincennes and Orleans Railroad Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Emison, Abram Smith, A. B. McKee, Andrew Berry, and Samuel Judah, of the county of Knox, John Hyatt, Alfred Davis, Elijah Chapman, Mathew L. Brett, and James D. Trainer, of the county of Daviess, Thomas J. Brooks, Thomas Edmonson, Darwain A. Clark, Earl Douglass, and Thomas H. Davis, of the county of Martin, and Samuel Hix, Arthur S. Simpson, J. C. Holmes, James Campbell, and William T. Spicely, of the county of Orange, and their associates and successors, be, and they are hereby constituted a body politic and corporate, and shall continue and remain forever under the corporate name and style of "the Vincennes and Orleans Railroad Company," and by that name said company may contract and be contracted with, sue and be sued, plead and be impleaded, and do all other things proper and usual for similar companies to do and perform, and they are hereby invested with all the powers and privileges necessary or expedient, to carry into effect the provisions of this act, and the objects of this association.

Sec. 2. Said company is created and organized for the purpose of constructing a Railroad, with all necessary and desirable depots, turn-outs, and appendages usually belonging to Railroads, from Vincennes, in Knox county, to Orleans, in Orange county.

Sec. 3. To enable said company to construct said road with all the necessary appendages, and to put and keep the same in repair, and generally to do and perform all necessary and proper business thereon, said company is hereby authorized to enter upon, take, hold, and use the right of way of as much [real] estate as is necessary and convenient to locate and construct said Railroad upon, and also to enter upon the lands adjacent to said road, and to procure materials therefrom for the purpose of locating and constructing said road.

Sec. 4. When the right of way across any real estate, or the freehold therein, entered upon and taken as aforesaid by said company, cannot be obtained by donation or fair purchase, and the damages done, or supposed to done thereto by said company, cannot be agreed upon by the parties interested therein, the owner or owners may file his or their claim or claims for damages, in the office of the secretary of said company, and select an arbitrator on his part, of which he shall give notice in writing to said secretary; whereupon, said secretary shall select another arbitrator, and the two arbitrators selected as aforesaid shall select a third person as an arbitrator also, all of whom shall be disinterested persons, and said

arbitrators, when so selected as aforesaid, or any two of them, shall proceed, within a reasonable time thereafter, having been first duly sworn before some officer authorized to administer oaths, to examine the claim or claims aforesaid, and to make out their award, in writing, concerning the premises, which shall be filed within twenty days in the office of said secretary, and a copy thereof shall be delivered to the owner or owners by said arbitrators, from which award either party may appeal to the Circuit Court of the county in which said secretary keeps his office, within thirty days after the filing of said award in the office of said secretary as aforesaid, which appeal shall be conducted and tried in all things, so far as applicable, according to the laws then in force concerning appeals from justices of the peace, said secretary being regarded as such justice, in conducting said appeal, and it is hereby made the duty of said secretary to keep a brief record of the filing of said claim, the appointment of said arbitrators, and of the subsequent proceedings in the premises, so far as the same are or may be connected with his office, for which he shall be allowed the same fees as justices of the peace may then be allowed for similar services, to be taxed as costs in said cause or proceeding.

Sec. 5. When any real estate is taken as aforesaid, and a claim has been filed for damages as aforesaid, the arbitrators' court, or other court or tribunal trying the case, shall estimate the advantages of said road to the owner of said real estate, and deduct the same from the damages, and find for the claimant the balance only, if any there be, and if there be none, the claimant shall pay all costs; but if damages be recovered, the company shall pay all costs.

Sec. 6. Said company may, from time to time, make and establish all such rules, by-laws, and regulations, not conflicting with the constitution and laws of this State, in reference to the management and control of their business, as they may deem expedient, and they may fix a penalty to any such rules, by laws, or regutions, if not exceeding fifty dollars for the violation of any such rules, by-laws, or regulations; but all penal laws, rules, or regulations, and all rates of charges upon said road, shall be posted up in some conspicuous place, at each depot thereof.

Sec. 7. Any person, who shall wilfully obstruct, injure, or in any way interfere with said road, or any of the cars, materials, structures, or appendages connected therewith, or any property belonging to said company, and used in the keeping up of said road, or in transporting freight and passengers thereon, besides the penalty which may accrue, shall pay the company three-fold damages on the case being made out in any competent court.

Sec. 8. On the trial of all suits brought by or on behalf of said company, the regularity of the proceedings necessary to entitle them to sue, shall be presumed; but no common law ground of defence, when made to appear, shall by this act be deemed to be taken away. All process upon said company need only be levied [served]

upon the president, secretary, or treasurer, but may be levied [served] on any two or more of them, at the election of the plaintiff.

Sec. 9. The capital stock of said company shall be three hundred thousand dollars, but the same may be increased at any time to any amount that may be necessary for the completion of said road, with all the appendages, and for the conducting of the business of the company as herein contemplated. The stock of said company shall be divided into shares of fifty dollars each, and may be taken by individuals, corporations, counties, or states, in such manner as may be provided for by said company, or as may be provided at any time by law, and may be paid for in cash, or in any other way mutually agreed upon, and at such time or times as may be designated by said company.

Sec. 10. The persons named in the first section of this act, or any nine of them, shall act as directors of said company until a full organization of the same is had; and as soon as the same is deemed expedient, they shall meet at Washington, in Daviess county, and organize by electing a President, a Secretary, and a Treasurer, and after organizing, as aforesaid, they shall provide for opening books for subscription of capital stock, at such times and places, and in the manner they, or a majority of them may think best, designating the times and manner of paying for stock subscribed, as aforesaid. They may also, at any time they deem the same expedient, cause a random survey of the route upon which said road is proposed to be run, and an estimate to be made of the probable cost of said road, and do all other things necessary or expedient to be done prior to the first election of directors.

Sec. 11. At all elections for the election of directors each stockholder shall have one vote for each share held by him, and the votes may be cast in person, or by proxy, under such rules and regulations as said company may prescribe.

Sec. 12. As soon as the sum of one hundred thousand dollars shall be subscribed, an election for nine directors shall be had for said company, in the aforesaid town of Washington, due notice of the time and place of said election being given in such manner as shall be prescribed by said company, to serve as such until their successors are elected and qualified, and annually thereafter, on the first Mondays in January, in each year; there shall be a new election for directors of said company, at such place as the board of directors may direct, to serve as such one year, and until their successors are chosen and qualified, as aforesaid. A director shall be the owner of at least five shares of stock, and before proceeding to business as such, he shall take an oath or affirmation faithfully and honestly to discharge his duty as such director, so long as he shall remain in office. If for any cause there should be a failure to hold an election on any of the days above designated, there shall be an election held as soon thereafter as practicable, thirty days' notice of the time and place of such election being given. Every election provided for in this act, unless otherwise specially provided

for by said company, shall be held by three judges, who may, if thought best, appoint a clerk, all of whom shall be sworn to the faithful performance of their several duties.

Sec. 13. When a new board is elected and qualified, they shall elect one of their body as President, to serve as such during the current year, and two others as Secretary and Treasurer, to serve in like manner. Bonds may at any time be required of any of the officers, if deemed expedient, and shall in all cases be required of the Treasurer, in such amount as may be designated by said board; and said President, Secretary, and Treasurer shall each be duly sworn before entering upon their several duties as such officers. Any officer of said board may at any time be removed by six members thereof concurring therein, whose vacancy may be filled by a majority of said board.

Sec. 14. In all cases, except as may be specially provided therefor, a majority of said board shall constitute a quorum to do business, and all the business of such quorum, transacted at any regular meeting, shall be deemed the acts of said company to all intents and purposes, and statements of such transactions, signed by the President, and attested by the Secretary, with or without the seal of said company affixed, unless some by-law of said company may require such seal, shall at all times be considered the best evidence of the proceedings of said company.

Sec. 15. Said company may negotiate any loan or loans of money, and at any rate of interest deemed expedient, not exceeding ten per cent., and the principal and interest of all debts so contracted shall be a lien in their order, and all property and effects of the company, and the stock of each corporator, or any part of either, may be sold on execution or otherwise, if said board shall direct, for the purpose of meeting said debts, but no bonds of said company shall be sold for a greater discount than ten per cent.: *Provided*, That when stock is sold, it shall be taken from each stockholder in rateable proportion, and any stockholder may redeem his stock from such sale by paying his proportion of the money thus raised into the treasury within twenty days after such sale.

Sec. 16. Said company may enforce the payment of stock subscribed, in whole or in part, in such sums, and at such times as said company may designate, by an action of debt before any competent court, and judgments for unpaid stock, as aforesaid, shall be collected without any relief whatever from valuation, appraisement, or stay laws, and when an appeal or writ of error is had on any such judgment, and the same is decided in favor of said company, besides legal interest on the original judgment, ten per centum damages shall be assessed and collected thereon for the company, or said company may, instead of bringing suit, as aforesaid, after payment of the sum of money due on said stock has been demanded, and the owner of said stock has been duly notified, in such manner as said company shall direct, of the amount required of him, being in all cases his rateable proportion of the amount of stock sub-

scribed, and of the time of payment, and payment thereof has been delayed for sixty days, declare said stock forfeited to said company, and expose the stock of said delinquent to public sale in such manner as said company may direct, to the highest bidder, at the office of said company, giving reasonable notice of said sale, and if any surplus shall accrue upon any such sale, the same shall be paid over to the owner, and when said stock is so sold, the Secretary of said company shall make the necessary transfer of the same.

Sec. 17. The stock of said company shall be considered and regarded in all things as personal property, and shall be transferable in such manner as the by-laws of said company may prescribe. After said road is completed, the company shall, on the first Mondays in January and July in said year, of the nett profits if any of said, declare such dividends as may be deemed just and expedient, having regard to the situation and exigencies of said company in general.

Sec. 18. A journal of the acts and proceedings of the board of directors of said company, together with all proper account and stock books for said company, shall be carefully kept by the proper officers, and any of said books or records may be inspected at any time by any stockholder during the ordinary hours of business, except when said board is engaged in the transaction of necessary business concerning said road, and all acts done and performed by said board of directors in their official capacity, shall be deemed and taken to be the acts of said company.

Sec. 19. Said company is hereby authorized, as soon as one hundred thousand dollars is subscribed, as provided in the twelfth section of this act, to let any work on said road to the amount of stock subscribed, as contemplated by this act, and to collect subscriptions of stock, and to do such other things as may be necessary to be done in carrying into effect the provisions of this act.

Sec. 20. The construction of said road shall be commenced within three years after the passage of this act, and shall be completed within ten years thereafter.

Sec. 21. The President and directors of said company shall be liable in their individual capacity for all debts contracted by them beyond the amount of solvent stock secured to the company, and the Legislature hereby reserves the right to alter, amend or repeal this charter: *Provided*, That in the location and construction of said road or otherwise, nothing in this act shall authorize said company to interfere with or infringe any of the rights heretofore granted to the Ohio and Mississippi Rail Road Company.

Sec. 22. This act shall be deemed a public act, and shall be liberally construed for the purposes herein intended, and shall take effect and be in force from and after its passage, and should said company at any time desire any amendment to this act it shall be lawful for the Legislature, in the exercise of a sound discretion, to make the same.

CHAPTER XLIX.

An Act to locate a State Road from Warsaw to Plymouth.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Robert Reid and George Croco, of the county of Kosciusko, and Benjamin Reed and William C. Plummer, of the county of Marshall, or any two of them, be and they are hereby appointed viewers to view, mark, and locate a State road from Warsaw to Plymouth, as follows: Commencing at the public square, in the town of Warsaw, thence north-west to the Tippecanoe bridge, thence to the congressional township line, between towships thirty-two and thirty-three, thence west, on or as near said line as may be practicable, to Taylor's saw mill, on Camp Creek, thence north-west, to the line of section 35, township 33 north, of range 4 east, thence west, with said line, to the east line of section 35, township 33 north, of range 3 east, thence north to section line of said section, thence west with said line, to the Michigan road, thence to the public square, in the town of Plymouth; and they shall meet for that purpose, in the town of Warsaw, on or before the first day of September, 1850, and shall, in all their proceedings be governed by the general laws of the State, concerning the location of State roads.

This act shall take effect and be in force from and after its passage.

CHAPTER L.

An Act to change the name of the town of Westport, in the county of Parke, to that of Howard.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the town of Westport, in the county of Parke, be and the same is hereby changed to that of Howard.

Sec. 2. That the changing the name of said town, shall in nowise affect the title to property of any description whatever, but

the same shall remain in full force, and as valid as though this act had not passed.

Sec. 3. This act shall take effect and be in force from and after its passage.

CHAPTER LI.

A Act granting the right of way to Companies in the State of Illinois, to construct Plank Roads in the county of Vermillion, in this State.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Georgetown and Perrysville Plank Road Company, or any other Plank Road Company, organized within the State of Illinois, to construct a plank road or roads from Georgetown, or any other point within the said State of Illinois, to the line of this State, in the direction of Perrysville, in this State, are hereby granted and allowed the right of way to construct any such plank road or roads through the county of Vermillion, commencing the construction of any such road or roads at the said town of Perrysville, and finishing and completing the same westwardly, or othe wise in the direction of the point of termination in the State of Illinois; and any such company shall have the right, in all cases, to diverge from a direct line for the purpose of obtaining more favorable ground for the construction of any such road or roads; the said road or roads not to exceed in width eighty feet, in any case.

Sec. 2. Any such company, in the construction of any plank road, as contemplated by the preceding section, and in making location thereof, shall be entitled to all the privileges, and be governed by all the provisions of the fourth, fifth, and ninth sections of an act of the General Assembly of this State, entitled "An act authorizing the construction of plank roads," approved January 15th, 1849, and any such company shall have the right to claim the benefit of any other provisions of said recited act, which shall not come in conflict, or be inconsistent with the provisions of this act.

Sec. 3. Any such company shall, for all the purposes specified in the seventh and eighth sections of the act recited in section two, conform to and be governed by the provisions of those sections.

Sec. 4. Any such company may commence the construction of any such road, in said county of Vermillion, whenever an amount of stock is subscribed for its construction, equal to the sum

of one thousand dollars for each mile of such road, according to the contemplated route in said county.

Sec. 5. Whenever two consecutive miles of any such road, shall have been completed by any such company, such company may erect toll-gates at such points and at such distances from each other as they may deem proper, and assess and collect tolls from persons traveling thereon; *Provided*, That the rate and amount of tolls so assessed and collected, shall not exceed per mile, the amount of the same, as authorized by the charter or charters of incorporation of any such company by the State of Illinois. Persons going to and from funerals, and soldiers of the United States, or of this State, while in actual service, shall be exempt from toll.

Sec. 6. All acts or parts of acts conflicting with any of the provisions of this act, be and the same are hereby repealed.

Sec. 7. This act to take effect and be in force from and after its passage.

CHAPTER LII.

An Act to prevent the unnecessary obstruction of Otter Creek, in the county of Vigo.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of Otter Creek as lies in the county of Vigo be, and the same is hereby declared to be a public highway.

Sec. 2. The board of commissioners of the county of Vigo, are hereby authorised, whenever in their opinion they deem it expedient and proper, to lay off the territory through which the said creek runs, into districts, such districts to be of such size as the public interest and convenience may require.

Sec. 3. The said board of commissioners shall, at the time they lay off said districts, and from time to time thereafter, as often as is necessary, appoint a suitable person residing in each district, as a supervisor for each of said districts, whose duty it shall be to call out the hands in his district to remove timber and other obstructions in said creek running through his district, so as to make the same navigable, as near as may be.

Sec. 4. It shall be the duty of said supervisors to call out the hands in said district to remove said timber, and other obstructions in said creek, in the same manner, and for the same number of

days, as supervisors are now required by law to call hands to work on public roads and highways: *Provided, however*, That it shall be discretionary with said board of county commissioners, to require said supervisors to call out said hands for any less number of days than they would be required to work on said public roads and highways.

Sec. 5. That the persons who are required to work on public roads and highways, residing within said districts, are also required to work in removing said timber, and other obstructions, out of said creek, in the same manner as other persons are required to work on public roads and highways; and in default thereof, each and every person residing in said districts, shall be liable to pay the same penalties, to be recovered in the same way as prescribed by law against those failing or refusing to work on public roads and highways; and such persons so working on said creek in said districts, shall be entitled to credit for the time he so worked on said creek, on the time he is required to work on the public roads and highways.

Sec. 6. Any person or persons wishing to avail themselves of the benefit of this act, are hereby authorized to clear said creek, or any part thereof, of all drifts, fallen trees, logs, or other obstructions: *Provided*, Such person or persons shall do the same at their own proper cost and expense.

Sec. 7. If any person or persons in using said creek as a public highway, shall injure or damage any mill, mill-dam, or other valuable property, such person or persons shall be liable to the owner or owners for any damages so sustained, to be collected before any court having competent jurisdiction: *Provided*, That any person or persons who shall remove any timber, logs, fallen trees, or other obstructions in said creek, or who shall cause the same to be done, and thereby injure or damage the mill or mill-dam, or other valuable property of any person or persons in said creek, shall be liable for any injury or damages done as aforesaid, to the person or persons so injured, to be collected in any court of competent jurisdiction, without benefit from the valuation or appraisement laws.

Sec. 8. If any person or persons shall obstruct the navigation of said stream, any time after the passage of this act, by falling timber therein, or by throwing slabs, logs, or any other obstruction in said creek, and not remove the same within five days thereafter, every person so offending shall, for every such offence, on conviction thereof before any justic of the peace of the proper township, be fined in any sum not exceeding five dollars, to be collected without any resort to the relief or appraisement laws. All fines for breaches of this act shall be paid over by the officer collecting the same for the use of the county seminary.

Sec. 9. The supervisors appointed as aforesaid by the board of commissioners, shall be liable to the same fine and penalties for failing and neglecting to perform their duties, and for refusing to qualify, as herein required, as supervisors of public roads and highways are now subject to by law.

Sec. 10. This act to be in force from and after its passage.

CHAPTER LIII.

An act to amend the charter of the New Albany and Salem Railroad Company.

[APPROVED, JANUARY 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the New Albany and Salem Railroad Company, to receive subscriptions of stock in lands at such rate as may be agreed upon between the parties, and that sections from 30 to 43 inclusive, of an act entitled, "An act to provide for the continuance of the construction of all, or any parts of the public works of this State by private companies, and for abolishing the Board of Internal Improvements and the office of Fund Commissioner and Chief Engineer," approved, January 28, 1842, be and they are hereby repealed, so far as they operate to prevent said Railroad Company from receiving subscriptions of stock in real estate, at prices and terms which may be agreed upon between the parties.

Sec. 2. That the New Albany and Salem Railroad Company is hereby authorized to hypothecate and mortgage or pledge the whole or any portion of the road constructed, or proposed to be constructed by it, as security for moneys loaned or advanced to it, upon such terms and conditions, as by the board of directors may be deemed just and equitable, not exceeeing interest at the rate of eight per cent. per annum, and may proceed to locate and construct the same at such times and in such manner as shall be ordered by the board.

Sec. 3. All conveyances, leases, and transfers of real estate, to and from said company, shall be in its corporate name.

This act to take effect and be in force from and after its passage.

CHAPTER LIV.

An Act for the benefit of certain citizens of the Seminary Township of Gibson county.

[APPROVED, JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of Gibson county, be and he is hereby authorized and directed to pay two hundred and sixty-nine dollars and fifty cents to John Brownlee of said county, for the use and benefit of certain citizens of the Seminary township in said county, to be divided among said citizens according to the amounts by them severally paid and expended in defence of the title to their lands, in the case of the suits instituted against the owners of said Seminary lands, by and on behalf of the Vincennes University out of the State revenue now in the hands of said Treasurer, or may hereafter be received by him.

Sec. 2. The receipt of said John Brownlee for the money paid to him as aforesaid, shall be a sufficient warrantee to the Treasurer of State to authorize him to credit said Treasurer of Gibson couuty with the amount so paid.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER LV.

An Act to provide for a general index of deeds in Marion county.

[APPROVED, JANUARY 2, 1850.]

WHEREAS, The records of deeds in the Recorder's office, in Marion county, consists of twenty-seven volumes, the indexes of the first five of which are contained in a small index book, which is inaccurate, has become mutilated and almost destroyed by constant use, and the remainder of which are indexed at the end of each volume, except three mortgage books, which have indexes separate from the books; AND WHERRAS, it is very inconvenient and laborious for persons wishing to examine titles on the records, to examine the same as well as injurious to the records to make such examination, Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Board of County Commissioners of Marion county,

be authorized, if they deem it necessary, to employ the Recorder to make a general cross index of the deeds and other instruments recorded in said recorder's office.

Sec. 2. That the Recorder shall make an index of the mortgages and other liens, in a book seperate from the index book of the other instruments.

Sec. 3. That such recorder shall be paid for making such index out of any moneys in the county treasury of said county, subject to the payment of general orders.

Sec. 4. This act to be in force from and after its passage.

CHAPTER LVI.

An act for the relief of Aaron Wright of Marion county.

[APPROVED JANUARY 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to amend the laws regulating the granting of divorces," approved January 1st, 1849, be so amended as to authorize Aaron Wright of Marion county, Indiana, to file in the Marion Circuit Court his bill in Chancery for a divorce from Juliann Wright, his wife, without being required to allege or prove that he has been a citizen of the State of Indiana one year previous to the filing of his said bill for a divorce from said Juliann, and to authorize said court, if in other respects he be entitled to a divorce from his said wife, to grant the same.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LVII.

An act to incorporate the town of Newbern in Bartholomew county.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Newbern in the county of Bartholomew and State of Indiana be and the same is hereby incorporated under

the general provisions of the Revised Statutes of 1843, as the same are contained in the twenty-fifth chapter, article one of said revision.

Sec. 2. The boundaries of said corporation shall be limited to the recorded plat of said town.

Sec. 3. An election for trustees of said corporation shall be held within one month from and after the first Monday in March, 1850, in accordance with the provisions of the article aforesaid: *Provided however*, That this act shall not take effect nor be in force unless two-thirds of the legal resident voters in said town, liable to pay a corporation tax shall, by a direct vote, on the first Monday in March, 1849, declare in favor of incorporating the same; and for the purpose of obtaining said vote, it shall be lawful for the voters aforesaid to choose an inspector of such election, who shall select two assistant judges and two clerks, each possessing the qualifications of elector under this charter, who shall constitute a board of election, and whose duty it shall be to open a poll on the first Monday in March, 1849, and receive the votes of the eligible voters of said town, which election shall be conducted in all respects as required by the second section of the article aforesaid, excepting that said voters shall be required only to endorse upon their tickets, either in print or in writing, the words "corporation" or "no corporation."

Sec. 4. It shall be the duty of such board of election, within three days thereafter, to certify to the clerk of the Bartholomew Circuit Court the result of such election, stating in words written at full length, the number of votes given for and the number of votes given against, a corporation at such election, and if it shall appear from such certificate that two-thirds of all the votes cast at such election are in favor of such corporation, then it shall be the duty of said clerk to give the notice required in the second section of the act above referred to in the first section of this act.

Sec. 5. This act to take effect and be in force from and after its passage.

CHAPTER LVIII.

An act to change the name of Trenton in the county of Randolph.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the town of Trenton in the county of Randolph be and the same is hereby changed to Huntsville, and by that name shall hereafter be called and known.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER LIX.

An act to incorporate the Drewersburgh Turnpike Company.

[APPROVED JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Peter S. Hollowell, Joseph Sizelove, John McLane, Daniel Wilson, Walter Mitchel, Jonathan Hart, George Dixon, Cyrus Quick, and their associates, be and they are hereby constituted a body corporate and politic, to be known by the name and style of "The President and Directors of the Drewersburgh Turnpike Company," for the purpose of constructing a turnpike road from the State line near the north-east corner of the south-east quarter of section twenty-five, township eight, range one west in Franklin county, at the place where the Baltimore and New Haven road terminates to the town of Drewersburg and from thence to the town of Brookville, on such route as the president and directors may deem best calculated for their object, and to open books for the subscription of stock in such amount as may be necessary to defray the expenses of the construction of said road, toll gates, and toll houses.

Sec. 2. For the purposes named in the first section of this act, sections 3, 4, 5, 8, 9, 11, 12, 13, 14, and 15, of an act authorizing a company to construct a turnpike road from Cambridge City to Muncietown, approved January 11th, 1845, are extended to the president and directors of the Drewersburgh Turnpike Company.

Sec. 3. Said company shall have power to locate, mark, and construct, said road upon obtaining the consent of the owners of the land, they may wish to occupy, or upon any State or county road by obtaining permission of the county commissioners of Franklin county, and have the power and right to contract and be contracted with for all materials or other things necessary for their object, and to sue and be sued in all courts of competent jurisdiction, and prosecuted to final judgment and execution in all such courts.

Sec. 4. The directors shall be liable in their individual capacity for all debts not paid in their corporate capacity, and the Legislature reserves the right to alter or amend this charter whenever the rights of citizens shall make it necessary.

Sec. 5. This act to take effect from and after its passage, and this act shall be deemed a public act, and so considered by all courts of this State.

CHAPTER LX.

An act to legalize the Lafayette and Muncietown State road in the counties of Clinton and Tipton.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That said road is hereby legalized and declared a State road.

Sec. 2. It is hereby made the duty of the hands in the following boundary to proceed to open said road as follows: commencing at the north-east corner of section thirteen, township twenty-one, [range] two east, thence west with the original route of said Lafayette and Muncietown road, as marked by the commissioners of the Michigan road, to the half-mile stake on the [line] dividing sections ten and eleven, township twenty-one east.

Sec. 6. This act to take effect and be in force from and after its passage.

CHAPTER LXI.

An act to change the name of the town of White Hall, in Miami county, to that of Waw-pe-cong.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the town of White Hall, in Miami county, be and the same is hereby changed to that of Waw-pe-cong.

Sec. 2. Nothing in this act shall be so construed as to affect the title or transfer of any property of any description, but the same shall remain in full force and as valid as though this act had never been passed.

Sec. 3. This act to be in force from and after its passage.

CHAPTER LXII.

An act to legalize certain proceedings in the Grant Probate Court.

[APPROVED JANUARY 14, 1850.]

WHEREAS, Mary Ann Cary, guardian of the persons and estates of Fielding G. Cary, Martin M. Cary, Harriet Sarah Cary, Lamira O. Cary, and John Wallace Decatur Cary, upon application as such guardian, to the probate court of Grant county, Indiana, at the February term thereof for the year 1849, obtained an order for the sale of lots number two and three, in block number six, in the town of Marion, Grant county, Indiana, the same being part and parcel of the real estate of her said wards, which said lots with their improvements, were, by two disinterested freeholders and householders of said county, duly appointed and sworn by said court to appraise the same, appraised at the value of four hundred dollars;

AND WHEREAS, Afterwards, to-wit: on the 12th day of February, A. D., 1849, during the same term of the court aforesaid she, the said Mary Ann Cary as guardian aforesaid, sold the said lots unto John M. Wallace, at and for the sum of five hundred and fifty dollars, and took two notes of hand therefor, one executed by John L. Byram and the other by Jacob Meek, both payable to Caleb S. Boots with interest each from date, which said notes were duly endorsed by said Caleb S. Boots, and secured by mortgage on real estate, situate in said county of Grant, amply sufficient to pay the same, which said sale so as aforesaid made was afterwards reported by said guardian to, and confirmed by said probate court, at the same term aforesaid, and the said Mary Ann Cary appointed to make a deed to the said John M. Wallace of the interest of the minors in and to the said lots;

AND WHEREAS, The said John M. Wallace has doubts as to the legality of the proceedings of the said guardian and the said court, in consequence of deed being ordered upon the notes aforesaid, instead of the money;

THEREFORE, to remove all doubts as to the legality of said proceedings, and to confirm to said John M. Wallace the title to said property as fully as the said minor heirs possessed the same:

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of Mary Ann Cary, guardian of the persons and estates of the said Fielding G. Cary, Martin M. Cary, Harriet Sarah Cary, Lamira O. Cary, and J. W. D. Cary, in and about the sale of lots number two and three, (2 & 3,) in block number six, (6,) in the town of Marion, Grant county, Indiana, (the same being part and parcel of the real estate of said wards,) to John M. Wallace, and the actions and doings of the probate court of the county of Grant in and about the same, be and the same are hereby legalized and rendered valid in law and equity, as if the same had

been had fully under the requirements of the then existing statutes in such case made and provided; and that the deed of conveyance heretofore made by said Mary Ann Cary, as guardian as aforesaid under the direction of the said probate court, be deemed in law and equity to convey to said John M. Wallace, his heirs and assigns, forever, the interests of the said minors in and to the said lots number two and three, (2 & 3,) in block number six, (6,) in the said town of Marion, Grant county, Indiana.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LXIII.

An act declaring Calumic river a public highway.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana* That the Calumic river be and the same is hereby declared a public highway from Cheney and Harrison's Mills, in Porter county, to the point where the said Calumic river intersects the State line of Indiana and Illinois in Lake county.

Sec. 2. This act to be in force and have effect from and after its passage.

CHAPTER LXIV.

An Act to incorporate the Otter Creek and Raccoon Plank Road Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Frederick Markle, Anthony Creal, W. W. Hamilton, and Joseph Evans, of the county of Vigo, and Tobias Miller, James M. Mullikin, Zopher Coleman, of the county of Parke, be, and they are hereby appointed commissioners to open books at suitable places in the State of Indiana, for subscriptions to the capital stock of a company for the construction of a plank road from Terre Haute to Crosby's Mills, on Raccoon, in Parke county, to be called

the "Otter Creek and Raccoon Plank Road Company," at any time within twelve months after the passage of this act: *Provided*, Said commissioners or any three of them shall give thirty days' notice of the time and place of opening said books, by publishing in one or more newspaper published nearest the contemplated line of said road.

Sec. 2. Said commissioners shall determine at what point or points books shall be opened, and the length of time they shall be continued open at each point, for subscription of stock to said company.

Sec. 3. The stock of said company may consist of money, labor, materials, or such other property, either real or personal, as may be agreed upon by the commissioners or the board of directors, after being elected, and whenever fifteen thousand dollars shall have been subscribed as stock in said company, and the sum of three thousand dollars thereof, either in cash or approved promissory notes, given without relief from valuation or appraisement laws, shall have been received by said commissioners, it shall be their duty to order an election for directors of said company, to be held at some convenient place in Terre Haute, at such time as they shall designate, giving at least twenty days' notice thereof in two or more newspapers published near the line of said road.

Sec. 4. All subscription to the stock of said company other than cash, shall be received only at such valuation as shall be affixed thereto by three disinterested appraisers, to be appointed by the directors of said company.

Sec. 5. Said commissioners, or a majority of them, shall attend said election, and conduct the same by opening a poll and receiving votes between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., of said day, and after the voting shall have been closed, they shall immediately open and count the ballots, and shall disclose the number of votes cast, the number received by each individual voted for, and declare those to have been duly elected directors, who shall have received the highest number of votes.

Sec. 6. The directors of said company shall be nine in number, five of whom shall constitute a quorum for the transaction of business; all vacancies occurring in said board shall be filled by a majority of said directors, and the person appointed by said board shall serve until a new board shall be chosen and qualified: *Provided, however*, That no person shall be eligible to hold the office of director who is not a stockholder in said company, and every director thus chosen shall serve as such until his successor is chosen and qualified.

Sec. 7. At all elections for directors each stockholder shall be entitled to vote as follows: For each share not over ten, one vote, and for each five shares over ten, one vote: *Provided*, No stockholder shall be entitled to more than fifty votes, and such votes shall be cast in person, or by proxy appointed in writing and signed by said stockholder; and no stockholder shall be entitled to vote after the

first election, unless the stock by which he claims to vote shall have been held by him at least three months prior to such election, and no officer, of said company shall vote at any election of directors, as agent, attorney, or proxy of any stockholder.

Sec. 8. The board of directors first chosen according to the provisions of this act, shall meet at such time and place as a majority of the commissioners aforesaid may designate, whose duty it shall be to give said directors notice thereof within ten days after such election, at which meeting it shall be the duty of said directors to appoint one of their number president of said board, and they shall also appoint a secretary and treasurer of said company, whose duties, terms of service, and compensation, shall from time to time be regulated by said board.

Sec. 9. Said board of directors shall at their first or some subsequent meeting fix the time for their next annual election of directors, not more than one year from the time of said meeting, and all subsequent elections for directors shall be held annually thereafter, and conducted in such manner as the board may prescribe.

Sec. 10. One month's notice for the election of directors at each annual election shall be given by the publication thereof in two or more newspapers near the line of said road.

Sec. 11. Each board of directors shall continue in office for the term of one year, and until a new board are chosen and qualified; and in case any annual election shall not be held on the proper day for holding the same, it shall be held at some early day thereafter to be fixed and appointed by the directors then in office, giving the same notice thereof as required to be given for elections regularly held.

Sec. 12. The aforesaid commissioners, as soon as the first board of directors of said company shall have been organized, or within ten days thereafter, shall deliver over to said board the subscription books of stock, and shall pay over to the order of said board all moneys or property received by them on such subscription, and in case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have destroyed or concealed any of said books with intent to defraud said company or any stockholder or stockholders thereof, such commissioner or commissioners so offending shall, upon conviction thereof by presentment or indictment, be fined in any sum not exceeding ten thousand dollars, and be imprisoned at hard labor in the State prison for a term of time not exceeding ten years nor less than one year.

Sec. 13. The board of directors of said company shall have power to supply vacancies in the office of president, secretary, and treasurer of said company, and to meet from time to time, as often as may be thought expedient; to adjourn from time to time as they may think necessary; to adopt and establish such rules and regulations and make by-laws not inconsistent with the laws of this State, as in their judgment the business of the company may require, and are necessary for the better organization of the company, and

to enable them to do and perform their duties and carry out the designs of the powers granted by this act; and alter and amend at pleasure any by law of said company as the said board may deem necessary; to appoint all subordinate officers, engineers, agents, and workmen, that may be necessary to carry out the objects of said company; to demand, at such time and in such proportion as they shall see fit, the sums of money, or subscriptions in labor or materials, due by stockholders on their respective subscriptions of stock, under pain of forfeiture to the company of the shares of their stock, and all previous payments thereon, or of such other penalty as may be prescribed by the by-laws of said company, or to sue therefor and recover the amount due in an action of debt or assumpsit in any court of competent jurisdiction; to issue proper certificates of stock to the stockholders; and to determine in what manner and under what restrictions the shares of stock shall be transferable; to fix the compensation, and prescribe the duties of the several officers and agents in the employ of the company; to require such bonds, obligations, and securities from the treasurer, secretary, and other officers of the company as may be deemed necessary; to open and continue open as long as necessary, books for the subscription of stock in said company; to acquire, purchase, sell, lease, and dispose of real estate for the use of the company; to establish and construct toll houses, offices, mills, and all necessary structures, fixtures, machinery, and apparatus, for building and keeping in good order said plank road; to order and cause to be made all estimates, surveys, and lettings of work at such times and places as they may determine; to prescribe such form of contracts, rules, regulations, and specifications for the performance of work as they may judge proper; to make and construct and keep in constant repair said road; to make and declare dividents of profits and income of said road, and its appurtenances, mills, and such other sources of income as said company may have, among the stockholders, at such times as they may deem expedient, and do all other necessary and proper acts in accordance with the provisions of this act, according to its true intent and meaning.

Sec. 14. The directors when elected, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of "the President and Directors of the Otter Creek and Raccoon Plank Road Company," and by such name, may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction within this State, and may make or adopt a common seal, and the same to alter at pleasure.

Sec. 15. The capital stock of said company may be fifty thousand dollars, which may be increased at the pleasure of said company, to any sum not exceeding one hundred thousand dollars, that may be deemed necessary to carry into effect the legitimate objects of said company, and said stock shall be deemed personal property.

Sec. 16. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, company, township, or county, to be paid for, and at such times as provided for in sections three and thirteen of this act, the payments being equal *pro rata* upon all the stockholders.

Sec. 17. The directors of said company shall proceed to locate and lay out said road, and may, with the consent of the board of county commissioners of the counties of Vigo and Parke, locate the same over and upon any State or county road, or other public highway, and thereupon, such State or county road, or other public highway, or such portion thereof, as may be so occupied and appropriated by said company, shall be and become the property of said company, for the purpose of making and maintaining said road and the gates and toll-houses thereon; and the boards of county commissioners of the counties aforesaid, are hereby authorized to give their consent to the appropriation and occupation of any such State or county road, or other public highway, over and upon which any such company may locate any such road.

Sec. 18. The track of said road shall be constructed of timber, plank, gravel, or other hard material, so that the same shall form a hard, smooth, and even surface; the particular manner of building said road, shall be determined by the directors of said company.

Sec. 19. Whenever four continuous miles of said road shall be made and completed, according to section eighteen of this act, then the said company may erect a half toll-gate on said four miles so completed, and demand and receive tolls for passing the same at the rates hereinafter mentioned; and whenever said company shall make and complete any additional four miles of said road, as herein required, then said company shall have the power to erect another half toll-gate, and demand and receive toll for passing the same, and for every additional four miles of said road so completed, said company may erect either half or whole toll gates, and at such places on said road as the directors of said company may judge for the best interest of said company, and demand and receive tolls for passing said gates, at the rates hereinafter mentioned.

Sec. 20. It shall be lawful for said corporation to erect gates at suitable distances apart, and demand and receive from all persons travelling said road, (footmen excepted) the tolls allowed and fixed by said corporation; *Provided*, That the corporation may at any time alter or amend or change the rate of tolls; *Provided, however*, That the tolls shall never be raised higher than an average of tolls charged on roads of a similar character in this State; and it shall be the duty of the corporation, when the rate of tolls shall be determined, to post the same up in some conspicuous place, at each place of receiving tolls on said road.

Sec. 21. The board of directors of said company, or any agent by them lawfully authorized, shall have power to negotiate any loan or loans not exceeding in amount, one-half of the amount of stock actually subscribed to said company, that may be by said company

deemed expedient for carrying out any or all the objects contemplated by this act; and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the president, and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company in the order of their issue; and all the effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal.

Sec. 22. No person shall drag along or across said road any log, wood, or timber, so that said log, wood, or timber, comes in contact with said road, when made of plank or timber, under a penalty not exceeding twice the amount of damage done, to be sued for and collected by said company for their own use.

Sec. 23. No tolls shall be exacted of any person or persons while actually going to or returning from militia mustering, from any religious meeting on the Sabbath, or from any legal voter going to or from any State, county, or township election, by any toll-gatherers within the township in which said voter may reside, or from any person or persons forming a funeral procession or returning from a burial.

Sec. 24. The toll-gatherers at each and any gate, when erected on said road, in pursuance of this act, may detain and prevent from passing such gate any carriage or animal subject to toll until the toll thereon is paid.

Sec. 25. Any person who shall willfully break or injure any gate on such road, which may have been erected in pursuance of the provisions of this act, or shall injure said road or bridges belonging to said road in any way, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage, or animal, turn out of said road, or pass any gate thereon, on ground adjacent thereto, and again enter on such road, shall, for each offence, forfeit a sum not exceeding ten dollars, to be sued for and collected by said company for their own use.

Sec. 26. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from any person or persons through whose lands the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of said road; also such materials as may be obtained on said route for the construction of said road.

Sec. 27. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty may occur, that such facts do exist, and such justice shall thereon, summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested freeholders of the

neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or other materials, and after taking into consideration the advantages as well as the disadvantages the road may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; that in case either party shall show sufficient cause why judgment shall not be entered, the justice may grant a review of the premises either with or without cost; *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the said court shall be final.

Sec. 28. The corporation hereby created, shall exist and be continued for and during the term of fifty years.

Sec. 29. The legislature reserves the right to alter, amend, or repeal this act at pleasure.

Sec. 30. This road hereby provided for, shall be commenced within two years from the date of this act, and may, from to time, construct such portions of said road as may be within their ability, and to the interest of the corporation, shall complete the whole of said road within six years from the time of the commencement of the same; *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time to complete the same.

Sec. 31. This to act be in force from and after its passage.

CHAPTER LXV.

An Act to amend an act entitled "an act to incorporate the Attica and Warren county Bridge Company," approved January 16, 1848.

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That section sixteen of the above entitled act, is hereby amended so as to extend the time of commencing said bridge within three years from the passage of this amendatory act, and the time for its completion be also extended five years thereafter.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER LXVI.

An Act to vacate the village of Mount Pleasant, in St. Joseph county.

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the village known by the name of Mount Pleasant, in St. Joseph county, is hereby vacated.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LXVII.

An Act to alter and change a State Road therein named.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State road running from the Michigan road near the Tippecanoe bridge, in Fulton county, running in a north-west direction to Singleton's, in Marshall county, on the Yellow river road, be altered and changed so as commence at or near the Tippecanoe bridge aforesaid, running in a north-west direction to the section line between sections fourteen and fifteen, in township thirty-one north, of range two east; thence north with said line [to] the south-east corner of section ten, of the township and range aforesaid; thence west to the half mile corner of said section; thence north to the line between Marshall and Fulton counties; thence north with the section line to the north-east corner of section twenty-eight, in township thirty-two north, of range two east.

Sec. 2. That William M. Lefresh and William Bozarth, of Fulton county, and John H. Boots, of Marshall county, be, and they are hereby appointed commissioners to view, mark, and locate said alteration. and report thereof according to law.

Sec. 3. Said commissioners shall meet at such place as they may agree upon, and at such time as best suits their convenience, not later than the first day of June next.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER LXVIII.

An act to declare certain water courses in the counties of Perry and Spencer public highways, and for other purposes.

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Anderson river from William S. Morris's mill, in Perry county, to its junction with the Ohio river, and the middle fork of Anderson's river, from the residence of John Ader to its junction with said Anderson's river, be, and the same are hereby declared public highways.

Sec. 2. After the taking effect of this act, it shall not be lawful for any person or persons in any manner to obstruct the navigation of said Anderson river between William S. Morris's [mill] and the Ohio river, and the middle fork of Anderson's river from John Ader's to its mouth, and any person or persons violating the provisions of this section, shall be liable to the same extent, and in the same manner, as for obstructing roads and highways: *Provided*, Persons having mill dams across said streams, their heirs and assigns, are not to be affected by this act.

Sec. 3. The county boards of the counties of Perry and Spencer, are hereby respectfully [respectively] authorized each to determine the portions of said rivers, so as aforesaid declared, public highways in the proper road districts; and whenever, by petition or otherwise, they are [informed] a majority of the persons included in said districts so desire said boards, severally authorized, to order and require the supervisors of such districts to appropriate the means and labor in their several districts in the removal of obstructions, and making slopes to mill-dams, in and across the portions of said rivers hereby declared public highways.

Sec. 4. Whenever said county board shall have severally ordered that obstructions in that portion of said rivers hereby declared public highways, shall be removed in the manner above provided, the several supervisors shall, in relation to removal of obstructions and making slopes in their several districts, be governed in all respects by the laws in force in said counties in relation to opening and repairing roads and highways.

CHAPTER LXIX.

An Act for the relief of William Starner and children.

[APPROVED JANUARY 19, 1850.]

WHEREAS, It being represented to the General Assembly of the State of Indiana, that the said William Starner intermarried with one Elizabeth Perkins, to-wit, on the — day of ——, in or about the year A. D. 1820, in Knox county, State of Ohio, and lived with the said Elizabeth for the period of twelve years, during which time they raised several children: AND WHEREAS, the said Elizabeth left the bed and home of the said William, against the will and consent of the said William, and became dissolute, and by fame a common prostitute, and was reported to have died in a common brothel some years afterwards: AND WHEREAS, the said William afterwards, viz., about seven years ago, was married to one Isabelle Copeland, who is still alive, and by whom the said William has had several children, also alive; AND WHEREAS, It has lately been reported to the said William that the said Elizabeth, his first wife, is still alive, and residing some where in Ohio, and the aforesaid marriage remaining unannulled by any court of competent jurisdiction; therefore, for the purpose of legalizing the said marriage of the said William Starner and Isabelle Copeland, and the children of the said William and Isabelle, begotten during the time of their cohabitation:

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the marriage heretofore entered into by and between the said William Starner and Isabelle Copeland, be, and is hereby, legalized and confirmed, and that the children begotten by the said William on the said Isabelle, during the time of their cohabitation aforesaid, be, and are hereby, declared legitimate, and shall be admitted as heirs in common of the said William, in equal right with his other children, lawful heirs of his body, lawfully begotten.

Sec. 2. That the bonds of matrimony heretofore entered into by and between the said William Starner and Elizabeth Perkins, be, and is hereby, declared dissolved and forever annulled.

This act to be in force from and after its passage.

CHAPTER LXX.

An Act to legalize the acts of George R. Proctor, as agent of Martin county.

[APPROVED JANUARY 19, 1850.]

WHEREAS, By virtue of an act entitled "an act to re-locate the county seat of Martin county," approved January 11, 1845, George R. Proctor of said county was appointed by the board of commissioners of said county of Martin, a commissioner to superintend the erection of the public buildings for the use of said county, and for other purposes connected therewith: AND WHEREAS, The said George R. Proctor, as such commissioner, entered upon certain real estate which had been donated and conveyed to said county for county seat purposes, and upon which the town of Dover Hill in said county now stands, and caused the same to be surveyed and laid out into town lots, and procured a plat thereof to be made and recorded for the purposes of locating the seat of justice thereon for said county, under the name of the town of Hillsborough, now changed to Dover Hill: AND WHEREAS, The said George R. Proctor further proceeded to make sale of said lots, or the greater portion of them, and to execute and deliver to the several purchasers thereof deeds of conveyance or title bonds therefor, as was severally agreed upon by the parties thereto: AND WHEREAS, Doubts have arisen and are seriously entertained, as to the authority of the said George R. Proctor to lay off said town, and to make sale of said lots, in manner as aforefaid, and to excute deeds or title bonds for the same, as aforesaid; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all acts and things done by the said George R. Proctor in good faith, as agent of said county of Martin, relative to the laying out said town of Dover Hill, formerly called Hillsborough, and in making sale of the lots thereof, as aforesaid, be and the same are hereby legalized, and all deeds of conveyance and title bonds made and executed by him, in the character of agent, as aforesaid, or in any manner on behalf of said county of Martin to purchasers of said lots or their assignees, are hereby confirmed and declared to be valid and effectual for the purposes for which they were or purport to be intended.

Sec. 2. That the said George R. Proctor is hereby authorized and empowered to make, execute, and deliver to the several purchasers of lots in said town of Dover Hill, or their assignees, deeds of conveyance for any lots in said town heretofore sold by him, and for which deeds have not been made until an agent of said county of Martin shall be duly appointed and qualified, which deeds of

conveyance, when so made by him, shall be as effectual as if made by an agent of said county duly qualified, as aforesaid.

Sec. 3. When an agent of said county of Martin shall be appointed and qualified, as aforesaid, it shall be his duty, in addition to the usual duties enjoined upon him by law, to carry into effect all contracts and agreements made by the said George R. Proctor in good faith concerning said lots, or any portion thereof, which a duly qualified agent of said county of Martin might lawfully have made or entered into concerning the property of said county.

Sec. 4. This act shall be in force from and after its passage.

CHAPTER LXXI.

An Act to vacate certain State roads therein named.

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the State road or roads running from Winchester, in Randolph county, through Williamsburgh and Centreville, in Wayne county, to Brownsville, in Union county, as lies between Williamsburg, in Wayne county, and the south line of section six, of township fifteen, of range fourteen, in Wayne county, be and the same is hereby vacated.

Sec. 2. The location of the Williamsburg and Centreville turnpike road on said State road is hereby legalized.

Sec. 3. This act to be in force from and after its passage.

CHAPTER LXXII.

An Act to incorporate the Marion County Horse Company, for the detection and apprehension of horse thieves, and others charged with crime.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Johnson, Daniel R. Smith, Emsley Wright, and Eli Haverstick, of the county of Marion, and State of Indiana, and

their associates and successors to the number of two hundred, be, and they are hereby constituted a body politic and corporate, by the name of "Marion County Horse Company," and by that name, during the continuance of this act, may sue and be sued, plead and be impleaded, answer and be answered unto in any court of competent jurisdiction, and may have and use a common seal, and alter the same at pleasure.

Sec. 2. A majority of said corporation shall have power to adopt a constitution and by-laws for their government, and inflict such penalties as may be necessary to carry the same into effect, which constitution and by-laws shall be consistent with the constitution and laws of this State.

Sec. 3 Said corporation may appoint or elect all such officers as they may deem necessary for their organization, who shall severally hold their offices, and perform the duties that may be required of them by the constitution and by-laws.

Sec. 4. Said corporation may at any time add to their numbers under the limitation prescribed in the first section of this act, and may expel members in such manner, and for such causes as they may prescribe in their by-laws, and assess such taxes, and impose such fines as shall be prescribed, or as a majority of the members at any meeting may deem proper.

Sec. 5. Said corporation shall have power to call to their aid the peace officers of this State, in accordance with law, in pursuit and apprehension of felons, and in re-claiming stolen property, and restoring it to the proper owner or owners thereof, and each and every member of said corporation when engaged in arresting offenders against the criminal laws of this State, shall be entitled to all the rights and privileges of constables.

This act shall be in force from and after its passage, and may be repealed or amended at the pleasure of the Legislature.

CHAPTER LXXIII.

An Act to repeal an act entitled "an act to levee the Wabash river on Shaker Prairie," approved January 14, 1846.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the above named act be and the same is hereby repealed, so far as to prohibit the trustees named in said act from levying any taxes for the further proseeution of said work.

This act to be in force from and after its passage.

CHAPTER LXXIV.

An Act authorizing the Vermillion Circuit Court to hear the application of Susan Coleman for a divorce and change of name.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for Susan Coleman to file her bill for a divorce from Samuel Coleman in the Vermillion Circuit Court, at the April term thereof, and the said court, upon proof of publication of the pendency of said bill for three weeks, thirty days prior to the first day of the said term of said court, shall hear and determine said case.

Sec. 2. That said court may, upon making a decree of divorce in favor of said Susan Coleman, decree a change of the name of said Susan Coleman to that of Susan Beers, and by such name shall be known, and shall have all the rights and privileges which would have accrued to her had she never intermarried with said Samuel Coleman.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXV.

An act to incorporate the Lamasco Iron Manufacturing Company.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That E. A. Corbett, Matthew W. Foster, Willard Carpenter, John Reitz, and James G. Jones, and their associates and successors, be and they are hereby constituted a body politic and corporate, under the name, style, and title of the "Lamasco Iron Manufacturing Company," and by such name may sue and be sued, defend and be defended, answer and be answered unto, in any competent court in this State or elsewhere, and by such name shall make and have a common seal, and the same alter and change at pleasure, and shall be able and capable in law of contracting and being contracted with, and doing all and every thing in their business as herein allowed as individuals might, could, or would do.

Sec. 2. That said company shall have power to purchase lands sufficient to carry on their operations as iron manufacturers and for

building steamboats, ships, and other vessels, not exceeding one hundred acres, and shall have power to establish thereon manufacturing establishments for rolling and moulding iron, making nails, and to work in iron, brass, and steel, in all the departments, and also to erect saw mills and to build steam boats and other vessels, to make boilers and machinery for the same, or for any other manufacturing purpose, and all other appurtenances belonging to the same in any particular instance.

Sec. 3. That the capital stock of said company shall be one hundred thousand dollars, to be increased to two hundred thousand dollars by a vote of the stockholders at any time when their interest may require such increase, which stock shall be taken in shares of fifty dollars each, to be subscribed for as hereinafter directed, and that as soon as twenty-five thousand dollars shall be subscribed for and paid in or secured to be paid, the company may commence operations.

Sec. 4. That the books for the purpose of procuring subscriptions to said stock shall be opened at the town of Lamasco in the county of Vanderburgh, and elsewhere, under the direction of the above named persons or any one they may appoint, and under such restrictions and limitations as they may direct, and the same shall be paid to the company in such instalments and under such forfeitures as may be directed by the by-laws, rules, and regulations of the company made from time to time by the above named commissioners or the directors of said company: *Provided*, That subscribers for stock in said company shall be liable for the amount of their respective subscriptions in a suit at law in any court of competent jurisdiction, and a plea of want of consideration shall not be allowed.

Sec. 5. That the stock, property, estate, and concerns of said corporation shall be managed by five directors, who shall be stockholders, and shall be elected by the stockholders in such manner as may be directed by the by-laws of the company, on the first Monday of June in each year: *Provided*, That if for any reason the stockholders shall neglect to elect on that day, they may meet and elect on any other day, to be appointed by the directors, and ten days' notice given thereof of the time of such election in some newspaper published in the county of Vanderburgh: *Provided also*, That the stockholders shall have one vote for every share of stock they may own in said company, and may vote by proxy, and a majority of the votes of such company given shall elect.

Sec. 6. That the above named persons shall be first directors of said company, and shall hold their offices until others are duly elected and qualified, and may, in their discretion, order an election on the first Monday of June next or not, as they may think best, and shall, after that time, order an election on the first Monday of June succeeding the taking and securing the payment of twenty-five thousand dollars of stock of said company.

Sec. 7. The persons above named may, at any time and place to be agreed upon by a majority of them, proceed to organize by appointing one of their body as president and also a secretary to be taken from among themselves or elsewhere, and so the directors elected, as provided by this act, shall also elect one of their own body as president, and a secretary as above, and when thus organized, may proceed to business.

Sec. 8. That said directors shall have power to fill all vacancies in their body, whether it occurs from non-acceptance of office, death, resignation, or otherwise, which person so appointed shall be a stockholder and shall hold his office until the next annual election and until his successor is elected and qualified, and three of the directors thus appointed or elected shall at all times be a quorum to transact business.

Sec. 9. That the directors so appointed or elected shall have power from time to time to adopt all such needful rules and regulations and to pass all such by-laws as may be necessary for their good government, and to carry out the objects of the charter, and shall in such by-laws point out the mode by which stock may be sold or transferred, which by-laws, made not inconsistent with the constitution and laws of this State, shall be binding on the stockholders, officers, and secretary of said company.

Sec. 10. The directors aforesaid shall have power to appoint all officers, agents, clerks, and secretaries, necessary to carry out the matters and things contemplated by this act; they shall have power to take security, either personal or on real estate, as also on steamboats or vessels of any description, for any contract, work, or performance on their part, executed, entered into, or done, and they shall keep a book or books of account, in which all these accounts shall be kept and posted, and shall be open for the inspection of the stockholders at all times.

Sec. 11. That the manufacturing establishments contemplated in this act shall be erected in the town of Lamasco in the county of Vanderburgh.

Sec. 12. That said company shall have power to make a railroad or railroads, plank, or other roads from the town of Lamasco into the town of Evansville or to the Ohio river: *Provided*, That the said roads shall in no case interfere with the present rights of others; *And Provided also*, That the corporate authorities of each and every incorporation, town, or city, in which any such road or roads, as provided for in this section or any part thereof, may pass or be constructed, shall have full power and authority to fix and establish the grade of such roads, a part of the same and the elevation thereof, as compared to the grade of streets of such city or town, and also to determine the kind of propelling power to be used on every such road, and the speed of all vehicles to be used thereon.

Sec. 13. That said corporation shall not engage in any business operation by which they would furnish the community with a circulating medium of any description, and the stockholders shall be in-

dividually responsible for the amount of stock they may severally subscribe and which is not paid into said corporation. And the president and directors shall be individually liable for all debts contracted over and above the solvent stock of said company.

Sec. 14. This act to take effect and be in force from and after its passage.

CHAPTER LXXVI.

An Act to change the name of Andrew Jackson Keeth to that of Andrew Jackson Wiggins.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Andrew Jackson Keeth, of the county of Randolph, be, and the same is hereby changed to that of Andrew Jackson Wiggins.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LXXVII.

An Act to attach certain families to a school district therein named, in the county of Knox.

[APPROVED JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the families of Samuel Emerson, John B. Patterson, Archibald Simpson, William Simpson, and Mrs. Isabella Johnson, of the county of Knox, who live immediately east of the range line dividing nine and ten west, in township three, range nine, be, and they are hereby attached to school district number four, in township three north, of range ten, in said county of Knox.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LXVIII.

An Act to authorize the construction of a dam across the Tippecanoe river, in Pulaski County.

[APPROVED JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Stephens, James C. Shultze, and Daniel Short, or any of them, be, and are hereby authorized to construct a dam across the Tippecanoe River, in the county of Pulaski, at their lands in said county, about six miles below the town of Winamac, in said county: *Provided*, The same shall not exceed six feet in heighth.

Sec. 2. That said John Stephens, James C. Shultze, and Daniel Short, or any of them, shall be entitled to all the benefits of the writ of *ad quod damnum*, to condemn the lands necessary for their use to build said dam.

Sec. 3. That the said John Stephens, James C. Shultze, and Daniel Short, or any of them, shall be required to make and construct, in some suitable part of said dam, a good and sufficient slope, at least twenty feet wide, to admit the free passage of rafts, flat-boats, and other crafts.

Sec. 4. This act to be in force from and after its passage.

CHAATER LXXIX.

An Act to change the name of Uniontown, in Grant County.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Uniontown, in Grant county, Indiana, is hereby changed to that of Mier, and by said name of Mier, shall hereafter be known in all records in said county.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXX.

An Act to locate a State road on the line dividing Miami and Wabash counties.

[APPROVED JANUARY 19, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That George W. Goodrich be, and he is hereby appointed a commissioner, to view, mark, and locate a State road on the line dividing said counties, to commence at the corners of sections two (2) and three, (3,) in township twenty-five (25) north, of range five (5) east, near the residence of George C. Smith, thence north to the Peru and Marion state road, near the Mississinewa river.

Sec. 2. Said commissioner may proceed to locate said road at any time previous to the first day of December, 1850, and shall be governed in all things by the general law now in force relative to laying out state roads.

Sec. 3. This act to be in force from and after its passage.

CHAPTER LXXXI.

An Act to incorporate the Eagle Creek Plank Road Company.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Adam Wright, J. C. Hume, James Duncan, Silas White, and Silas Webb, Isaac Hornaday, Geo. Hollingsworth, of Marion county, be, and are hereby, appointed commissioners to open books at suitable places in the county of Marion, in the State of Indiana, for subscriptions to the capital stock of a company for the construction of a plank or gravel road, commencing on the west side of White river, where the Lafayette and Crawfordsville road intersects the National road; thence up White river, on the west bank of said river, to the forks of the Lafayette and Crawfordsville road; thence along the Lafayette State road to the house of James Duncan, west of Eagle creek; being about eleven miles in length, in Marion county, to be called the "Eagle Creek Plank Road Company," at any time within six months from the passage of this act: *Provided*, Said commissioners, or any three of them, shall give twenty days' notice of time and place of opening said books by publishing in one or more newspapers published in Marion county.

Sec. 2. Said commissioners shall determine at what point or points books shall be opened, and the length of time they shall be continued open at each point, for subscription of stock to said company.

Sec. 3. The stock of said company may consist of money, labor, materials, or such other property, either real or personal, as may be agreed upon, by the commissioners or board of directors after being elected; and whenever five thousand dollars shall have been subscribed as stock in said company, and the sum of —— dollars thereof, either in cash or promissory notes given without relief from valuation or appraisement laws, shall have been received by said commissioners, it shall be their duty to order an election for directors of said company, to be held at some convenient place on said road at such time as they shall designate, giving at least twenty days' notice thereof in one or more newspapers published in the county.

Sec. 4. All subscriptions to stock of said company other than cash, shall be received only at such valuation as shall be affixed thereto by three disinterested appraisers, to be appointed by the directors of said company.

Sec. 5. Said commissioners, or a majority of them, shall attend said election, and conduct the same by opening a poll and receiving votes between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., of said day; and after the voting shall have been closed, they shall immediately open and count the ballots, and shall disclose the number of votes cast, the number received by each individual voted for, and declare those to have been elected directors who shall have received the highest number of votes.

Sec. 6. The directors of said company shall be five in number, three of whom shall constitute a quorum for the transaction of business; all vacancies occurring in said board shall be filled by a majority of said directors, and the person appointed by said board shall serve until a new board shall be chosen and qualified: *Provided, however*, That no person shall be eligible to hold the office of director who is not a stockholder in said company, and every director thus chosen shall serve as such until his successor is chosen and qualified.

Sec. 7. At all elections for directors each stockholder shall be entitled to vote as follows: For each share not over ten, one vote and for each five shares over ten, one vote: *Provided*, No stockholder shall be entitled to more than fifty votes, and such votes shall be cast in person, or by proxy appointed in writing and signed by said stockholder; and no stockholder shall be entitled to vote after the first election, unless the stock by which he claims to vote shall have been held by him at least three months prior to such election, and no officer of said company shall vote at any election of directors as agent, attorney, or proxy of any stockholder.

Sec. 8. The board of directors first chosen according to the provisions of this act, shall meet at such time and place as a majority

of the commissioners aforesaid may designate, whose duty it shall be to give said directors notice thereof within ten days after such elections, at which meeting it shall be the duty of said directors to appoint one of their number president of said board; and they shall also appoint a secretary and treasurer of said company, whose duties, terms of service, and compensation, shall, from time to time, be regulated by said board.

Sec. 9. Said board of directors shall, at their first, or some subsequent meeting, fix the time for their next annual election of directors, not more than one year from the time of said meeting, and all subsequent elections for directors shall be held annually thereafter, and conducted in such manner as the board may prescribe.

Sec. 10. One month's notice for the election of directors at each annual election shall be given by the publication thereof in some newspaper in the county.

Sec. 11. The board of directors shall continue in office for the term of one year, and until a new board are chosen and qualified.

Sec. 12. The aforesaid commissioners, as soon as the first board of directors of said company shall have been organized, or within ten days thereafter, shall deliver over to said board the subscription books of stock, and shall pay over to the order of said board all moneys or property received by them on such subscription, and in case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have destroyed or concealed any of said books with intent to defraud said company or any stockholder or stockholders thereof, such commissioner or commissioners so offending shall, upon conviction thereof, by presentment or indictment, be fined in any sum not exceeding one thousand dollars, and be imprisoned at hard labor in the State prison for a term of time not exceeding five years nor less than one year.

Sec. 13. The board of directors of said company shall have power to supply vacancies in the office of president, secretary, and treasurer of said company, and to meet, from time to time, as often as may be thought expedient; to adjourn from time to time as they may think necessary; to adopt and establish such rules and regulations, and make by-laws not inconsistent with the laws of this State, and to alter and amend at pleasure any by-laws of said company as the board may deem necessary; to appoint all subordinate officers, engineers, agents, and workmen that may be necessary to carry out the objects of said company; to demand at such time, and in such proportion, as they shall see fit, the sums of money or subscriptions in labor or materials, due by stockholders on their respective subscriptions of stock, under pain of forfeiture to the company of the shares of their stock, and all previous payments thereon, or such other penalty as may be prescribed by the by-laws of said company, or to sue therefor and recover the amount due in action of debt, or assumpsit, in any court of competent jurisdiction; to issue proper certificates of stock to the stockholders, and

determine in what manner, and under what restrictions the shares of the stock shall be transferable; to fix the compensation and prescribe the duties of the several officers and agents in the employ of the company; to require such bonds, obligations, and securities from the treasurer, secretary, and other officers of the company, as may be deemed necessary; to open, and keep open as long as necessary, books for the subscription of stock in said company; to acquire, purchase, sell, lease, and dispose of real estate for the use of the company; to establish and construct toll houses, offices, and all necessary structures, fixtures, and apparatus for building and keeping in good order said plank or gravel road; to order and cause to be made all estimates, surveys, and lettings of work, at such times and places as they may determine; to prescribe such form of contracts, rules, regulations, and specifications, for the performance of work, as they may judge proper; to make and construct, and keep in constant repair said road; to make and declare dividends of profits and income of said road, among the stockholders, at such times as they may deem expedient, and do all other necessary and proper acts, in accordance with the provisions of this act, according to its true intent and meaning.

Sec. 14. The said directors, when elected, and their successors in office, are hereby constituted a body corporate and politic by the name and style of the President and Directors of the Eagle Creek Plank Road Company, and by such name may sue and be sued, plead and be impleaded, answer and be answered unto either in law or equity in any court of competent jurisdiction within this State, and may make or adopt a common seal, and the same to alter at pleasure.

Sec. 15. The capital stock of said company may be thirty thousand dollars, which may be increased at the pleasure of said company to any sum not exceeding fifty thousand dollars, that may be deemed necessary to carry into effect the legitimate objects of said company, and said stock shall be deemed personal property.

Sec. 16. Said stock shall be divided in shares of twenty-five dollars each, and may be taken by any individual, corporation, or company to be paid for, and at such times as provided for in sections three and thirteen of this act, the payments being equal pro rata upon all stockholders.

Sec. 17. This corporation is hereby empowered to take possession of, occupy, and use, for thepurpose of constructing a plank or gravel road thereon, all that portion of road known as the "Lafayette road," from James Duncan's, west of Eagle creek, to the junction of the Lafayette and Crawfordsville road with the National road, in West Indianapolis, as set forth in the first section of this act.

Sec. 18. The tract of said road shall be constructed of timber, plank, gravel, or other hard material, so that the same shall form a hard, smooth, and even surface; the particular manner of building said road shall be determined by the directors of said company.

Sec. 19. Whenever said company shall have built a good and substantial bridge across Eagle creek, then the said company may erect a toll gate on said bridge, and demand and receive tolls for passing the same, at the rates hereinafter mentioned; and whenever said company shall make and complete any additional four miles of said road, as herein required, then said company shall have the power to erect another half toll gate, and demand and receive toll for passing the same; and for every additional four miles of said road so completed, said company may erect either half or whole toll gates, and at such places on said road as the directors of said company may judge for the best interest of said company, and demand and receive tolls for passing said gates, at the rates hereinafter mentioned: *Provided*, Nothing herein contained shall be so construed as to compel the traveling public upon said road to pass through said bridges when the said creek is fordable, until two miles of said road shall have been constructed according to section eighteen of this act, then the said company may erect a quarter toll gate on said two miles so completed, at the rates of toll hereinafter mentioned.

Sec. 20. The following shall be the rates of toll for crossing said Eagle creek bridge: For each and every four wheeled carriage, wagon, or other vehicle drawn by one horse or other animal, ten cents; for every horse or other animal in addition, five cents; for every cart, chaise, or two-wheeled carriage, of any description, drawn by one horse or other animal, not exceeding ten cents; for every horse or other animal in addition, five cents; for every sleigh or sled drawn by one horse or other animal, not exceeding eight cents; for every horse or other animal in addition, five cents; for every horse or mule, and rider, five cents; for each horse, mule, or ass, six months old and upwards, led or driven, not exceeding three cents; for each head of neat cattle, six months old and upwards, not exceeding two cents; for each head of sheep or swine, not exceeding one cent; the rates of tolls hereinbefore mentioned shall also be the rates of tolls for each and every eight miles of said road.

Sec. 21. The board of directors of said company, or any agent by them lawfully authorized, shall have power to negotiate any loan or loans, not exceeding in amount one-half the amount of stock actually subscribed to said company, that may be by said company deemed expedient for carrying out any or all the objects contemplated by this act, and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the President, and attested by the Secretary, and duly order to be issued, shall be a valid lien upon all the stock and effects of said company in the order of their issue; and all the effects of said company, both real and personal, shall be deemed and taken as pledge for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal.

Sec. 22. No tolls shall be exacted of any person or persons while actually going to or returning from militia mustering, from any religious meeting on the Sabbath, or from any legal voter going to or from any State, county, or township elections, by any toll gatherers within the township, where the voter may reside, or from any person or persons forming a funeral procession, or returning from a burial.

Sec. 23. The toll gatherers at each and any gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any carriage or animal subject to toll, until the toll thereon is paid.

Sec. 24. The corporation hereby created shall exist and be continued for and during the term of fifty years.

Sec. 25. The Legislature may at any time, when said company shall have violated any of the provisions of this act, have power to repeal said act, and this act may at any session of the Legislature be altered or amended by the request of two-thirds of the stockholders of said company.

Sec. 26. The President and directors shall be individually liable for all debts contracted by said company, beyond the amount of solvent stock secured to said company.

Sec. 27. This act shall be in force from and after its passage, and taken and deemed a public act, and shall be liberally construed to effect the objects contemplated.

CHAPTER LXXXII.

An act to locate a state road from Orleans, in Orange county, to Newberry, in Greene county.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Abner Freeman, of the county of Orange, Christian Keck, of the county of Martin, and Frederick Slinkard, of the county of Greene, are hereby appointed commissioners to view, mark, lay out, and locate a state road from Orleans, in Orange county, by the way of Harrisonville and Christian Keck's store, in Martin county, to Newberry, in Greene county.

Sec. 2. It shall be lawful for said commissioners, or any two of them, to meet at Harrisonville aforesaid, or at any other point agreed by them, along the proposed route of said road at any time between the first day of May and the first day of November next, and after being duly sworn to faithfully discharge their duties as such commissioners, to proceed to view, mark, lay out, and locate

a state road from Orleans, in Orange county, by the way of Harrisonville and Christian Keck's store, in Martin county, to Newberry, in Green county, as aforesaid, following such other state and county roads, if any there be, between any of said points, as may be found practicable and convenient, and consistent with the public good; and said commissioners are authorized to employ any competent person as a surveyor, together with assistants, if the same be necessary, to assist them in the discharge of the duties herein enjoined upon them.

Sec. 3. It shall be the duty of said commissioners, when they have completed the location of said road, to make out their report in writing, to each of the board of commissioners of the several counties through which the same may pass, describing as near as practicable, the route over which said road runs in the county, to the board of which said report is made, and file their reports in the auditors' offices of the several counties aforesaid.

Sec. 4. It shall be the duty of the several county auditors, or other persons doing the business of county auditor, to lay the aforesaid reports before the county boards of their respective counties at their next session after the filing of said reports, and if no sufficient reason is shown to the contrary, said county boards shall each order said road to be recorded, so far as relates to their respective counties, and make an allowance to said commissioners and their assistants, including the surveyor, if any is employed, for their services, taking into consideration in each case, the time they were necessarily employed in the county, making such allowance, and to order said road to be opened and worked as other public highways.

Sec. 5. This act shall be in force from and after its passage.

CHAPTER LXXXIII.

An act relative to the County Seminary property of Vanderburgh County.

[APPROVED JANUARY 16, 1850.]

WHEREAS, A tract of land adjoining the city of Evansville, in said county, was purchased under the direction of the board of commissioners of said county, at sheriff's sale, on the 28th day of November, A.D. 1846, as a site for a county seminary for said county, and said tract of land was, on the 11th day of June, 1847, conveyed in pursuance of said purchase, to the State of Indiana, for the use of said county seminary, and it having since been discovered, by a survey of said tract, that said tract included Lilleston's enlargement of the city of Evansville, which enlargement was, at the time of said purchase, in the adverse possession of Alvin B. Carpenter and others, who claim title thereto, and the board of commissioners of said county having entered into an agreement of compromise with the occupying claimants of said enlargement, therefore, to enable said board of commissioners to consummate said agreement of compromise,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county auditor of the county of Vanderburgh be, and he is hereby authorized and empowered, on behalf of, and in the name of the State, to execute deeds releasing and conveying to such persons as the board of commissioners may direct, all that part of said tract of land so purchased as aforesaid, which is included within Lilleston's enlargement of the city of Evansville, at such time, and in such parcels or proportions as may be directed by the said board of commissioners, and the deeds thus executed shall pass to the grantees and their heirs, all the interest of the State and of said county seminary, in the premises so conveyed.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER LXXXIV.

An act defining the boundaries of School district No. 1, in congressional township No. 12 north, of range No. 5 west, in the counties of Clay and Owen.

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bounds of district No. 1, in township No. 12 north, of range No. 5 west, is hereby established as follows, to-wit: commencing at a point on the east bank of Eel river, where the line dividing townships number eleven and twelve crosses said river, thence east with said township line to the south-east corner of section number thirty-five, in township number twelve, thence north with the section line to the north-east corner of the south-east quarter of section number twenty-three, in township number twelve, thence due west with the lines to Eel river, thence south with said river to the point of beginning.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXV.

An act to authorize the Trustees of the Methodist Episcopal Church in St. Louis, in Bartholomew county, to sell and convey a certain house and lot therein named.

[APPROVED JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Simmons, Cornelius Barlow Thomas Drake, Charles W. Rominger, and Ezra F. Conner, Trustees of the Methodist Episcopal Church in St. Louis, in Bartholomew county, or their successors in office, are hereby authorized to sell and convey a certain house and lot lying and being in the town of St. Louis, viz: one-fourth of an acre, situate on the east side of lot number twenty-two, and south of Columbus street, in said town.

Sec. 2. The said trustees shall have power to appropriate the proceeds of said sale to the building of a new church for said congregation.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXVI.

An act to incorporate the Evangelical Protestant Congregation of Christians in Haysville, Dubois county.

[APPROVED, JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Stroever, George Bauer, Henry Sendelwitch, John Eisenhart, Simon Eichmueller, and their associates, be and they are hereby constituted a body corporate and politic, to be known by the name and style of "The President and Trustees of the Evangelical Protestant Congregation of Christians in Haysville, Dubois county," and as such to have all the powers granted by the laws of this State, to incorporate companies; the same to use for the government of said church, and the holding of such property as may be necessary for the purposes contemplated in this act.

Sec. 2. The property both real and personal, heretofore purchased, or received by devise, grant, or gift to the trustees, congregation, agents, or in any manner, held or obtained by or for the use of said church, are to be controlled and used by said President and Trustees, as fully as though it had been conveyed to them, and by

them to be held and disposed of as directed by the usages of said church.

Sec. 3. This act to take effect from and after its passage, and shall be a public act.

CHAPTER LXXXVII.

An act to incorporate the Jonesboro and New Cumberland Plank Road Company.

[APPROVED, JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That George Moore, William Wharton, Samuel Russell, Robert Wilson, John Dolman, John Crawford, John Frankboner, Daniel Hyatt, Thomas Dean, and John Richards, of the county of Grant, and such other persons as they may associate with them, be, and they, and their successors in office, are hereby constituted a body corporate and politic, to have perpetual existence and succession, and be known and styled the Jonesboro and New Cumberland Plank Road Company.

Sec. 2. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each, and said company is hereby invested with power to increase their capital stock to fifty thousand dollars.

Sec. 3. The persons in the first section mentioned, or a majority of them shall meet at such time and place as they may agree upon prior to the first day of September next, and organize said company by electing out of said number a President, Secretary, and Treasurer, and after such organization shall immediately proceed to open books of subscription to the capital stock of said company, at any place or places they may deem expedient, and such books shall be opened at such time, and under such regulations as may be directed by the President aforesaid.

Sec. 4. The books of subscription to said stock shall contain the following entry and caption, to be signed by the subscribers to said stock, viz: "The Jonesboro and New Cumberland Plank Road Company." We the undersigned promise to pay to the Jonesboro and New Cumberland Plank Road Company fifty dollars for each share of stock set opposite our names, the same to be paid at such time, and in such sums as said company may direct:

Subscribers Names.	No. of Shares.

Sec. 5. So soon as four thousand dollars of the capital stock of said company shall be subscribed and taken, the President of said company shall call a meeting of the stockholders, by a notice in some paper published in Grant county at least ten days prior to said meeting, giving notice of the time and place of such meeting, and the said stockholders or such of them as may meet at the time and place thus specified, shall then and annually thereafter, proceed and elect seven persons of their number as directors, and a president, who shall hold their offices until the first Monday in May next, succeeding such election, and until their successors are elected, and any vacancy occasioned by death, removal, or resignation may be supplied by a meeting of the stockholders. The annual meetings of the company shall be held on the first Monday in May.

Sec. 6. Said company shall have power to survey and locate a road from Jonesboro to New Cumberland in Grant county, Indiana, on such route as they may designate, and shall have the same right and powers in entering upon and taking possession of highways, public roads, lands, timber, gravel and stone, as are granted in the charter of the "Lagro, Marion, and Jonesboro Plank Road Company," approved, January 16, 1849.

Sec. 7. The President and Directors shall be governed in commencing and constructing said road in the width and grades, in the erection of toll gates, and in their rights and powers against tresspasses, and in the amount of toll per mile which they may charge by the provisions of the said "Lagro, Marion, and Jonesboro Plank Road Company," not inconsistent with the provisions of this act.

Sec. 8. The commissioners of Grant county, are hereby authorized to grant any road to the use of said company, which they may wish to appropriate for the purpose of constructing their road.

Sec. 9. The provisions of the before mentioned act to charter "the Lagro, Marion, and Jonesboro Plank Road Company," are hereby extended to the Jonesboro and New Cumberland Plank Road Company, by which they shall be governed in all things not inconsistent with the previous provisions of this act, and the same restrictions and liabilities are hereby imposed upon the said Jonesboro and New Cumberland Plank Road Company, as are contained in the above mentioned charter.

This act shall be deemed a public act, and shall be in force from and after its passage.

CHAPTER LXXXVIII.

An act to incorporate the Decatur, Portland, and Winchester Plank Road Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel L. Rugg, P. N. Collins, and John Crawford, of the county of Adams, John Goff, William Brandon, and David Garringer, of the county of Jay, and Edward Edgar, Anthony Rittenhour, and Ellis Kizer, of the county of Randolph, and their successors in office, duly elected in the manner hereinafter provided, are hereby constituted a body corporate and politic, by the name of "the Decatur, Portland, and Winchester Plank Road Company," and by such name, shall be able to sue and be sued, plead and be impleaded, defend and be defended, and answer and be answered unto, in any court of law or equity, having jurisdiction; shall have power to make and use a common seal, and the same to change at pleasure, and shall be capable in law, to make contracts and enforce them when made, with full power and authority to acquire, hold, possess, use, occupy, and enjoy property, both real and personal, and the same to sell, dispose of, and convey as the same shall be for the interest of the said company, and make, establish, and put in force, such necessary by-laws, rules and regulations, as shall enable them to carry into effect the provisions of this act, and the objects contemplated by the same not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of the company shall be one hundred thousand dollars, divided into shares of twenty-five dollars, with power to increase the capital stock to any sum necessary to carry into effect the provisions of this act, not exceeding two hundred thousand dollars, at the discretion of the president and directors.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree upon, and organize said company by electing one of their members president, and a majority thereafter shall constitute a quorum for business, and they shall have power to appoint all other officers and agents necessary to carry the spirit of this act into effect; they shall keep a journal of their proceedings, in which they shall cause to be entered, all their by-laws, rules, and regulations; and, also, all orders for payments to their officers, agents, or persons in their employ, which proceedings thus entered, shall, from time to time, be signed by their president at each sitting; they shall sit upon their own adjournments, or on the call of the president [or a majority of the directors, appoint a president] *pro tempore*, in the absence of the president, and fill all vacancies that may occur in their own body.

Sec. 4. The corporation shall cause books to be opened for subscription, to the capital stock, at such times and places as they may see fit, due notice [of which] shall be given; in each of which books an entry, shall be made in words and figures following:

We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in labor, materials, land, or money, in such manner, and in such proportions, and at such times as the president and directors of the Portland and Winchester Plank Road Company may direct. The value of all subscriptions other than cash, to be settled by the directors, [and to be appraised] at what the directors shall consider to be their actual cash value at the time of payment.

Witness our hands, this day of A. D. 185 .

Sec. 5. It shall be lawful for all persons of lawful age, or any agent of the United States, or of any of the States, on the part of the same respectively, to subscribe for any amount of capital stock in said company, which said books may be kept open such length of time [and] re-opened at such time and place, and as often as may be necessary to procure subscriptions to stock sufficient for the construction of the road contemplated by this charter. And for the purpose of raising money for the completion of the road, or any part thereof, the company shall have power to borrow money and secure the same, either by a mortgage of the road, or in such other manner as may be agreed upon between the company and the party of whom the loan may be obtained.

Sec. 6. As soon as one hundred shares or more are subscribed, it shall be the duty of the directors named in this act, to give [three weeks'] notice [thereof,] in the newspapers in the vicinity of the contemplated road, and in said notice, to appoint a time and place for the stockholders [to meet and elect nine directors, at which election, no person shall be eligible to the office of director, unless he is a stockholder] and citizen of this State; which election shall be held within sixty days after the one hundred shares or more, shall have been subscribed as aforesaid, and shall be [conducted] by three judges, to [be] appointed by the stockholders present at the time appointed for meeting, and the persons having a plurality of the votes given, which shall be publicly counted, shall be declared duly elected. Each stockholder shall, at such election, be entitled to a vote for each share by him owned, for the term of one month prior to the election; *Provided*, That at the first election, each share shall entitle its owner to a vote without regard to the length of time it may have been owned, and votes shall be given by the person owning the same, or one of any partners, or by the husband, father, mother, executor, administrator, trustee, or guardian, or by the agent of any corporation, State, United States, county, or township or by proxy.

Sec. 7. It shall be the duty of the directors elected as above, and those elected annually thereafter, to meet as soon as they conveniently can and elect one of their own body president; and directors thus elected shall continue in office until the next annual election, and until their successors are elected and qualified by the election of their president.

Sec. 8. All elections after the first shall be held on the first Wednesday of December annually, at such place and hour of the day as the directors may direct, three weeks' notice of which shall be given in a newspaper published in Decatur and Winchester. The judges of all elections shall be three in number, and shall be stockholders, but not directors, at the time of the election, and after the first election be appointed by the directors. And it shall be the duty of said judges, upon the result of each election being known, to give to each director a certificate of his election, which certificate shall be evidence of their right to act as directors. A majority of said directors shall be a quorum to transact business: *Provided*, That if an election should not be held on the day appointed it shall be lawful to hold the election on any other day to be designated by the directors.

Sec. 9. Certificates of stock shall be given to the stockholders, which shall be evidence of stock held. They shall be signed by the president and countersigned by the clerk. Stock shall be transferable on the books of the company only, personally or by an agent or attorney, or by the administrators, executors, trustees, or guardians, but the corporation shall have a lien upon such stock for all sums due or to become due from such stockholders, either for subscriptions to stock or on contract made prior to such transfer.

Sec. 10. The directors shall have power to call for such part of stock subscribed as may seem to them necessary to carry on the work on said road, to be paid by the stockholders in such materials, land, labor, goods, chattels, or money as shall have been designated by the party subscribing for such stock, to be paid at such time and place as the directors may designate, by giving sixty days' notice in one of the newspapers published near said road, or by giving written notices to the stockholders. In all such notices the amount demanded on each share, and the time and place of payment shall be set forth; and it shall be the duty of the directors to permit each person subscribing for stock in materials or labor to furnish the same on the road at such place as the same can be advantageously used, most convenient to his premises; and if such stockholder shall fail or refuse to furnish such requisition within ten days after the time designated in such notice for furnishing the same, the corporation shall have power to collect the same by an action at law in any court of competent jurisdiction, the same to be collected without the benefit of the valuation or appraisement laws. The corporation shall have power, through their president and in his name, but for their use, to purchase the stock of any stockholder when offered on execution on any judgment obtained against him in favor of the company.

Sec. 11. The directors shall require all officers and others in their employ to give bond, with security to their acceptance, for the faithful performance of their duties.

Sec. 12. The said directors shall proceed from time to time, either in person or by their agents, to examine, mark, and locate

the route of their said road, and may locate the same over and upon any State or county road or other public highway, from such part in the county of Adams as may be agreed upon, by way of Alexander and Portland to Winchester, in the county of Randolph, with power to deviate from a direct line if for the interest of the company, or for the public convenience, and thereupon the State or county road, or other public highway on such portion of it as shall be so occupied and appropriated by said company, shall be and become the property of said company for the purpose of making and maintaining said road and the gates and toll houses thereon.

Sec. 13. The directors of said company may take for said company releases and conveyances of the right of way, and all necessary lands of any and all persons over whose lands the road may have been or be about to be located; and any such release or conveyance may be made by any infant, feme covert, guardian, executor, administrator, or trustee, and shall be effectual in law by obtaining the consent of the [proper] probate court thereto. And when said company shall have procured such releases and conveyances as before provided, they shall be seized in fee simple of said land and shall have the sole use and occupation of the same.

Sec. 14. For the purpose of constructing said road, it shall be lawful for said company, by their agents and persons in their employ, to enter upon any lands to make surveys and estimates, and from the land occupied by said road any stone, gravel, timber, or other materials necessary for the construction of said road and the bridges thereon.

Sec. 15. If any person owning lands over and upon which such road shall have been or about to be located, shall refuse to relinquish the same for the use of said road, and no satisfactory contract can be made by the company with the owner therefor, it shall be lawful for the company to give notice thereof to some justice of the peace of the proper county, and such justice shall thereupon summon the owner of such land, if a resident of said county, to appear before him on a day mentioned in such summons, within ten days thereafter, and if the parties cannot then agree said justice shall then issue a venire for summoning a jury of three disinterested men of the county, to be selected by the justice, and such jury after having taken an oath or affirmation faithfully and impartially to assess the damages, if any, shall proceed and view the lands upon which such damages are claimed, and shall determine the same, duly considering the advantages of said road to said owner, and shall make report thereof to said justice, whereupon he shall enter judgment upon such report, from which said judgment either party may appeal to the circuit court.

Sec. 16. If such owner be a minor, or insane person, or shall reside out of the county where such land may be, such justice may cause three notices to be posted up in the township where such lands are situated of the time and place of summoning such jury to make such appraisement, and if no person appears for such minor, insane person, or non-resident of the county, such justice shall appoint some disinterested person to act on behalf of such absentee, and shall then proceed as in other cases, and in all cases costs shall be awarded in the discretion of the jury.

Sec. 17. In case such company shall require for the use of said road any stone, gravel, or other material, from the lands of any person adjoining or near said road, and said company cannot contract therefor with the owner thereof, such company may proceed in like manner to have the value of such materials assessed in such manner as is above provided for assessing the value of lands, and in every such case of lands and materials the company may take possession of and use the same, immediately after having paid such justice, for the use of such owner of said land or materials, the sum, if any, which may have been assessed therefor, notwithstanding an appeal may have been taken: *Provided*, That such jury in assessing such damages shall not take into consideration the advantages of the road to the owner of such materials.

Sec. 18. The said road shall be opened by the company any width not exceeding one hundred feet, and at least twenty feet thereof shall be made a good artificial road, except at such places as may be already upon a good natural road, and said road may be covered with gravel, sand, plank, stone, coal, clay, or such other materials as can be best secured, and be put on in as compact a manner as is usual for such materials.

Sec. 19. When said road, or any particular section thereof, shall be located, it shall be the duty of the directors to cause a plat thereof to be deposited in the auditor's office of the county or counties in which such location is made, and from and after that time it shall not be lawful for said company to alter or change any part thereof, unless the company pay the owner of any lands damaged by such change the amount of his damage.

Sec. 20. If said road or any section thereof shall be suffered, after it has been once completed, to go to decay and become impassable for one year, unless the same is repairing, the charter shall be considered as forfeited.

Sec. 21. The company shall commence to construct said road within five years, and shall complete the same, or so much thereof as shall be for the convenience of the public and the means of the company will allow, and when five continuous miles of the same shall be completed, agreeably with the provisions of this act, the board of county commissioners of the proper county shall appoint a disinterested person to examine the same and to report his opinion in writing to the directors of said company, and if said report shall state the road or any continuous five miles thereof to be completed agreeably to the provisions of this act, the company may erect toll gates at suitable distances apart not less than five miles, and at such gates demand and receive of all persons traveling said road such tolls and at such rates as said company may agree upon, for the privilege of traveling the same, or of driving all kinds of live

stock, wagons, and teams, pleasure carriages, sleighs, and all other vehicles, and things that may pass over said road, or any part thereof, as shall be for the interest of said company, and the same to change, lower, or raise at pleasure; a list of the rates established from time to time shall be posted up at some conspicuous place at each gate, together with all necessary directions: *Provided*, The tolls charged shall not be higher than the tolls usually charged on roads of a similar kind.

Sec. 22. If any person using said road, shall, with intent to defraud said company, or to avoid the payment of toll, pass through any private way, gate, or bars, or along any other ground near to said toll gate which shall be properly enclosed, or shall practice any fraudulent means with intent to evade or prevent the payment of toll or otherwise defraud the company, every person so concerned in such fraudulent practice, shall for every such offense forfeit and pay to the company the sum of five dollars, recoverable without any benefit of appraisement or stay laws, with costs of suit, in an action of debt in the name of the company before any justice of the peace of the proper county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on premises through or touching which said road passes, from freely using said road at all times within one and a half miles of his dwelling, without paying any toll or charge for himself, or for any of his cattle, teams, or property.

Sec. 23. The company shall set up a post or stone at the end of every mile, with the number of miles from the commencement of the road fairly cut or painted thereon.

Sec. 24. Any person willfully or negligently destroying, defacing, or removing any guide board, mile post, or stone, or list of rates of tolls or directions, erected on said road, or remove any plank, board, or other materials, or fill up any ditch, placed or used in the construction of said road, shall upon conviction thereof before any justice of the peace, or court of competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, or less than one dollar, to be recovered with costs of suit in the proper action, at the suit and for the use of the company without the benefit of appraisement or stay laws.

Sec. 25. If a toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is allowed by this act, he shall for each offense forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having jurisdiction, within twenty days after the right of action has accrued, and not afterwards.

Sec. 26. The company shall cause a fair account to be kept of all expenses of making, constructing, and repairing said road on any section thereof, together with their incidental expenses, also a fair account of all tolls received; and the books of said company shall be kept always open for the inspection of an authorized agent of

the State, or any stockholder of said company, and the company shall have the right to sell the stock to the State upon such terms as they may agree.

Sec. 27. This act in all its operations shall be limited to one hundred years, and shall be in force from and after its passage, and publication in the Decatur Gazette; and be liberally construed as a public act for all beneficial purposes, and the Secretary of State shall forward a certified copy thereof to the Clerk of Adams C. C.

Sec. 18. The legislature reserves the right to repeal this act, but if repealed, or its limitation expires, the assets after the payment of all debts and liabilities, shall be divided amongst the several stockholders in the proportion to the stock paid in by each.

Sec. 29. The board of directors shall have power to remise by deed or other proper and legal conveyance any lands, mortgages, stocks in other companies, goods, chattles, wares, merchandize, and other materials, which may be subscribed for stock in said company, and may sell the same for money or labor, or otherwise convert the same into available means, to be used in the construction of said road, and to give all proper deeds, or other conveyances, that may be necessary to complete the sale of the same.

Sec. 30. The stock of the company shall be regarded as personal property, and may be sold on execution, and transferred on the books of the company by the officer making the sale, but shall in all cases be subject to the lien mentioned in sec. 9.

Sec. 31. It shall be lawful for said company to receive any contracts, gifts, grants, donation, or bequests in lands, money, labor, materials, or property, of any kind, offered in consideration of the location of said road or otherwise. And it shall be lawful for said company to loan out at interest such portion of the earnings of said road as they may think proper, upon such security as the directors may see fit to take, for the purpose of providing a fund for repairing said road.

Sec. 32. If any person feels himself aggrieved by the location of said road over or upon any of his lands, or of the taking from his lands any stone, gravel, or other materials, for the use of said road, he shall sue therefor within six months after his right of action shall have accrued by the location of said road, or the taking of said materials, and not afterwards.

Sec. 33. This shall be a public act and shall be so construed, and shall be in force from and after its passage.

CHAPTER LXXXIX.

An act to incorporate the Centreville and Jacksonburgh Turnpike Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That David Commons, George Leonard, Jacob B. Julian, John Kepler, Moses D. Leeson, John Harvey, Jr., and Henry Roberts, of Wayne county, and their successors in office, elected as hereinafter directed, are hereby constituted a body corporate and politic, and shall be known by the name and style of "The Centreville and Jacksonburgh Turnpike Company," and in such name and style shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of justice whatsoever, to make and use a common seal, and the same to alter at pleasure, and shall be able and capable to make contracts and enforce the same, and to make and enforce all necessary by-laws to enable them to carry into effect the provisions of this act, and the objects contemplated by the same.

Sec. 2. The said incorporation shall have power to examine, survey, and locate, the route for a turnpike road, beginning at Centreville or at any point on the [Centreville] Cumberland road between Centreville and Noland's Fork and running thence to Jacksonburgh, on the nearest and cheapest route, and thereupon to construct such road on such route; and the said incorporation may locate said road on any public highways when it may be deemed best to do so, and on the completion of such turnpike such portions of such highways as such turnpike shall be located upon shall be vacated.

Sec. 3. The capital stock of said company shall not qə more than twenty thousand dollars, divided into shares of twenty-five dollars each; and so soon as five thousand dollars thereof shall be subscribed, and ten per centum thereon paid, the said incorporation may be organized in the manner and according to the rules provided and laid down in the act incorporating the Centreville and Abington Turnpike Company, approved February 12th, 1848; and the said act to incorporate the said Centreville and Abington Turnpike Company, and the amendments since made thereto, except so far as the same may conflict with the provisions of this act, [are hereby adopted and made a part of this act] as fully as if the same had been fully set forth.

Sec. 4. This act to be in force from and after its passage.

CHAPTER XC.

An act to authorize Margaret Hurd to file a bill for a divorce in the Martin Circuit Court, and to regulate the proceedings thereon.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the Generel Assembly of the State of Indiana*, That it shall be lawful for Margaret Hurd of the county of Martin to file a bill for a divorce in the Martin Circuit Court against her husband, who is reputed to be a non-resident of the State of Indiana, and it shall be made to appear to said court, or the clerk thereof in vacation, by the affidavit of a disinterested and competent person, that her said husband is a non-resident of said State. It shall be lawful for said court, or clerk thereof in vacation, to cause notice of the pendency of said bill for a divorce to be posted up at the court house door of said county of Martin, notifying said husband of the pendency of said bill as aforesaid, and that unless he appear at the next term of said court and plead, answer, or demur to the same, the matters and things therein contained will be heard and determined upon in his absence, and upon proof being made to said court that notice, as aforesaid, has been given as above required at least thirty days before the first day of the term of said court then in session, it shall be lawful for the court to proceed to trial of the matters and things therein contained in like manner as if notice had been given by publication or otherwise, as provided in the Revised Statutes of 1843, and the notice hereby declared to be given is declared to be sufficient notice of the pendency of said bill for all purposes in trying and investigating said bill and the matters and things therein contained, and in rendering a decree thereon.

Sec. 2. If it shall appear upon the trial of the matters and things alleged in said bill that the said Margaret Hurd has resided within the State of Indiana for the term of one year immediately preceding the filing of said bill, and that her said husband has unlawfully abandoned her more than two years since, or has continued to absent himself from her for that length of time, to make suitable provision for her comfort and maintenance, or that the prospect of a reconciliation between the parties is hopeless, it shall be lawful for said circuit court to decree a divorce in the premises, without enquiring into the character or general reputation of the parties, and without requiring the usual proof of good character or reputation upon the part of said complainant, more especially for chastity since the separation of the parties, nor shall the want of such good character or reputation be set up as a matter of defence by the attorney prosecuting on behalf of the State of Indiana.

Sec. 3. This act shall be in force from and after its passage, and shall be liberally construed on behalf of the said Margaret Hurd; and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk's office of said county of Martin before the first day of March next.

CHAPTER XCI.

An act authorizing the county commissioners of Fountain county to vacate a certain street in Rob Roy, Fountain county.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county commissioners of Fountain county are hereby authorized to vacate so much of Pike street as lies between Clay and Adams streets in the town of Rob Roy in said county, if, in the opinion of such county commissioners, the same can be done without material injury to any one interested.

Sec. 2. This act shall be in force and take effect from and after its passage.

CHAPTER XCII.

An Act to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance Company, approved January, 30, 1837.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of directors of said Company may reduce their number to nine members whenever they may deem it for the interest of the company to do so, by taking two members from each of the three classes of directors by lot, or by voluntary resignation on their part; and five members of said board shall constitute a quorum for the transaction of business, after this act shall have taken effect.

Sec. 2. That the lien granted to said company in the ninth section of their act of incorporation shall take effect and have full force in all cases where an abstract of any application on which a policy has been granted, showing the particular lot or parcel of land on which the insured buildings are situate, and the amount of such lien shall be recorded in the office of the recorder of the county in which such land is situate: *Provided,* That if any member, his heirs, executors, administrators, or assigns, shall sell or mortgage any insured building or buildings, and the land on which they stand, the purchaser or mortgager shall thereupon become immediately invested with, and entitled to, all the rights and privileges, and subject to all the liabilities, to which the original insured party was liable and entitled to by virtue of the policy or policies issued on such buildings.

Sec. 3. The directors of said company may, at their option, demand the payment in advance of a part, not exceeding ten per cent., of the deposite note given by any member, and the same per cent. of such note annually during the continuance of his, her, or their policy of insurance, in lieu of the assessments required to be made in the eleventh section of the act to which this is an amendment: *Provided,* That within sixty days after the discharge of any policy by reason of surrender, alienation, or limitation, said directors shall determine the whole amount of which any member is liable for losses and expenses during the continuance of his, her, or their discharged policy, and in case such amount shall not equal the payments already made, the excess shall be immediately payable to the order of such member, and his deposite note given for such policy shall be given up; but if the amount shall exceed the sum of such payments, then said member shall be liable for and pay the difference within thirty days after the determination of the directors made as aforesaid, and on such payment shall be entitled to receive his deposite note.

Sec. 4. The directors of said company may insure not exceeding three-fourths of the estimated cash value of any buildings or personal property which may be insurable by the laws and regulations of said company.

Sec. 5. This act shall take effect from and after its acceptance by the directors of said company, signified by resolution to that effect, which shall be placed on the records of their proceedings; and so much of the act to which this is an amendment as is inconsistent with this act is hereby repealed.

CHAPTER XCIII.

An Act to incorporate the Spring Creek and Tippecanoe Hydraulic Company, of White county.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry L. Ellsworth of Tippecanoe county, John Barr of Carroll county, Job B. Eldridge of Cass county, and Sylvester Vanvoress, James Gay, M. S. Barr, Levi D. Osborn, and Isaac K. Eldridge, of White county, and their successors in office, be and they are hereby constituted a body politic and corporate, under the name and style of "The Spring Creek and Tippecanoe Hydraulic Company of White County," and by that name shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto in all courts whatever, to make and use a common seal, and the same to alter or abolish at pleasure; and shall be and are hereby authorized and empowered to make contracts, and to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the purposes contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said company shall be ten thousand dollars, with power on the part of said corporation to increase the capital stock, if necessary to accomplish the object hereinafter contemplated.

Sec. 3. That the persons named in the first section of this act, and their associates, or a majority of them, or a majority of the survivors of them, shall cause books for the subscription of the capital stock of said company, to be opened at such time and places as they may choose, after giving ten days' notice thereof in writing, posted up in some three different public places in county of White, and in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty-five dollars each, for each share of stock set opposite our names, in such manner and proportions and at such times as the Spring Creek and Tippecanoe Hydraulic Company of White county shall direct. Witness our hands this day of , 185 ."

Sec. 4. It shall be lawful for all persons of lawful age or for any corporate body in the United States, by their constituted authorities or agents, to subscribe for any any amount of the capital stock of said company; and the said corporation may, by their officers or agents, offer for sale in any of the States of the United States any amount of their stock, upon such terms and conditions, and upon such notice as may be thought advisable; and said corporation shall have power to borrow money on their own credit, on such terms as may be agreed upon by the parties. The said corporation may

require such sums of money to be paid at the time of subscribing [for] stock as they may think proper, but the amount required to be paid on each at the time of subscribing shall be made known in the notice for opening the books, and any further installments or payments on stock shall be under the control and regulated by the said directors, subject to the restrictions hereinafter mentioned.

Sec. 5. As soon as forty shares of said capital stock are subscribed for, and the amount required in said notice to be paid on each share at the time of subscription shall have been paid in, it shall be the duty of said corporation to give twenty days' notice by posting up written notices in three of the most public places in White county, and in said notice appoint a time and place for said stockholders to meet and elect five directors, who shall be stockholders and citizens of this State; and which election shall be by ballot, and to be conducted under the superintendence of three judges, to be selected by the persons named in the first section of this act, and their associates or survivors, or a majority of them, and the five persons receiving the highest number of votes shall be declared duly elected, and receive a certificate of election from said judges, (and as soon as sworn into office may take charge of the business and effects of said corporation and proceed to business); whether it constitutes a majority of all the votes of said corporation or not, and if two or more persons receive an equal number of votes, the said judge shall determine the election between such persons by lot. Such election shall be opened between the hours of nine o'clock, A. M., and four o'clock, P. M., on the day appointed for holding the same.

Sec. 6. In all elections, each share shall entitle the owner or owners thereof to one vote, and to one vote for every other two shares so held by him, her, or themselves, or by his, her, or their agents, proxies, or legal representatives. Authority to vote by proxy, may be given by the party in writing, under his, her, or their hands, without seal or acknowledgment, before any officer, but must be dated thirty days prior to such election; infant stockholders may vote by guardians, and femme coverts by their husbands.

Sec. 7. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body president; the president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and qualified; but the term of the first board of directors thus chosen, shall expire so soon as their immediate successors are elected and qualified.

Sec. 8. All elections for directors after the first, shall be on the first Monday in June in each year, the judge thereof to be appointed by the board of directors, for the time being, and shall be conducted in all respects as provided in section six, in this act, and on similar notice; but should the stockholders at any annual election, fail or neglect to elect directors, as provided in this act, the

company shall not, on that account, be dissolved ; but the president and directors, for the time being, shall continue to exercise the duties of their office until their successors are chosen and qualified as aforesaid.

Sec. 9. Certificates of stock shall be given to stockholders, which shall be evidence of the stock held by him, her, or them. Such certificates shall be signed by the president, and countersigned by the clerk of said company ; the stock shall be transferred on the books of the corporation only by the person or persons owning the same, in person, or by their legally constituted agent or agents, attorney or attorneys, or by their legal representativcs, trustees, or guardians; and such stock shall be at all times holden by the corporation for any dues of the owner thereof to the corporation, or for any sum that may thereafter become due, on any contract made with said corporation prior to such transfer.

Sec. 10. The said corporation shall have power to call for such portions of the stock subscribed for, not exceeding twenty-five per centum every sixty days, as they may think proper to be paid, at such time and place as they may designate, by giving thirty days' notice thereof in some newspaper in said county, or by giving to the stockholders written notice, in which notice shall be specified the amount called for and demanded on each share, and the time and place of payment, and if any stockholder shall fail, neglect, or refuse to pay the same so called for on his, her, or their stock, within ten days after the time named for such payment, in the said notice, the corporation may bring suit against such delinquent for the amount due, and called for in any court having jurisdiction, and recover the amount so called for, and imposed in an action of debt, together with interest, from the time of such failure, neglect, or refusal, and the evidence to establish such claim of corporation shall be the order in the journals of the proceedings of the corporation, calling for instalments on the stock, and proof that the notes above specified had been given, and if the amount so recovered against such delinquent, cannot be made on execution, or if such delinquent is out of the State, so that legal process at the commencement of the suit cannot be served upon him, then the corporation may, by an order on their said journal of proceedings, declare such stock, and all that may have been paid thereon, as forfeited to the corporation ; but said stock may be redeemed at any time within three months thereafter, by paying up all such arrearages with interest, together with six per cent. damages, and no delinquent, after the failure, neglect, or refusal aforesaid, and before the stock be declared forfeited to the corporation, shall have a right to vote for directors, or to receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied, and should any such delinquent be a director in the said corporation, his office of directorship may be, by the balance of said board, be declared vacated, and they may proceed to fill from the qualified stockholders of the said corporation, such vacation in the board of directors, and the

person so appointed shall hold his office until the next annual election, and until his successor is elected and qualified.

Sec. 11. A majority of the board of directors shall constitute a quorum to transact business ; any vacancy happening in the board by refusal to accept, death, or other cause, may be filled for the unexpired term by the balance of the board ; the said corporation may require of the directors, and of all other officers in their employ, bonds, in such penalties, and with such security, as they may think proper, to secure the faithful performance of their duties ; the said corporation may appoint a treasurer and clerks, and such other officers and agents as they may think needful, and require bond and security for the faithful performance of their duties.

Sec. 12. All process against said corporation may be served upon the president or upon any of the directors, which shall be deemed sufficient service against said corporation.

Sec. 13. The said corporation shall have power by themselves or agents, to construct a dam across the Tippecanoe river, above the mouth of Spring Creek, at any point within one half mile of the said mouth of Spring Creek ; and also, the said company shall have the right and power to construct a dam across Spring Creek, at any point within one mile from Tippecanoe river, and the said company shall have the right and power to construct a race or canal, from said dam or dams, for the purpose of conveying the water to such place or point, as have been already hereinbefore mentioned, or to any other point as may suit the convenience of said corporation. And the said corporation may erect all necessary buildings structures, and machinery for the purpose of carrying on any branch of manufacturing business by means of the water power, to be obtained from this work. They may, by purchase or relinquishment from the owner or owners, or by any proper mode of transfer, hold such real estate and personal estate, as may be necessary for the construction of these works, or for carrying on their business or for the collection of their debts, and may, when needful, sell or dispose of the same, which conveyance of real estate, shall be signed by the president of said corporation.

Sec. 14. The said corporation shall have and may use the writ of *ad quod damnum*, and all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of abutments, the digging of their race and [or] canal, and for the overflow of lands, occasioned by said dam.

Sec. 15. The said corporation shall cause to be kept a fair account of the costs of their works, and of all their expenditures ; and they shall keep an account of their proceedings in proper books. The books of the incorporation shall be kept open at all reasonable times, for the inspection of stockholder and creditors of the corporation.

Sec. 16. The stockholders shall be individually liable for all debts against the corporation, to the extent of, and in proportion to

the stock held by each stockholder, on the insolvency of the company.

Sec. 17. All moneys to be paid out and expended by said corporation, shall be drawn by order of the board of directors; which order shall be entered on their journal, and an order drawn by the clerk, drawn on the treasurer of said corporation, shall be a sufficient voucher to the treasurer, to pay over the money.

Sec. 18. The legislature reserves the right to repeal, alter, or amend this act, whenever the same may be deemed necessary, and in case of the repeal, at any time, of the corporation powers hereby vested, the assets of said corporation over and above the liabilities, shall revert to the stockholders in proportion to the stock by them held.

Sec. 19. This act is hereby declared to be a public act and shall receive a liberal construction and be in force from and after its passage.

CHAPTER XCIV.

An Act in relation to the President and Directors of the Terre Haute and Richmond Rail Road Company, and to secure the more speedy completion of said road.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That whereas, the first section of an act, entitled "An act to incorporate the Terre Haute and Richmond Railroad Company," approved January 26, 1847, makes the corporate name of the company organized under said act, to be "the President and Directors of the Terre Haute and Richmond Railroad Company," that hereafter the corporate name of said company shall be "the Terre Haute and Richmond Railroad Company," and by and under this name, shall have the same privileges, and be subject to the same liability, as under the former name, and all acts and transactions of said company, heretofore performed under either of said names, shall be valid and binding.

Sec. 2. It shall be lawful for the board doing county business for the county of Vigo, to issue the bonds of said county, to an amount not exceeding fifty thousand dollars, on behalf of said county, of not less than one hundred dollars each, payable to said Terre Haute and Richmond Railroad Company, or bearer, and an interest of not exceeding seven per cent. per annum, to be delivered to said company, in payment for an equal amount of the capital stock in said company, instead of money; and it shall

be the duty of said county board, to provide for the payment of the yearly interest thereon, by a tax to be assessed and collected in the same manner that other taxes are assessed and collected for county purposes, and shall cause the same to be paid from time to time, whenever due, according to the terms of said bonds.

Sec. 6. This act to take effect and be in force when accepted by the board of directors of the Terre Haute and Richmond Railroad Company, and notice of such acceptance filed in the office of the Secretary of State.

CHAPTER XCV.

An act to legalize the proceedings of Robert A. Chandler, as master in chancery, in the county of Warren, and for other purposes.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the Seate of Indiana*, That all the acts of Robert A. Chandler, as master in chancery, in the county of Warren, in taking acknowledgments of deeds, and other instruments of writing, be, and the same are hereby, confirmed and legalized to all intents and purposes; and that the acknowledgment of a deed of conveyance made by William H. Willian and wife, of Clark county, State of Missouri, to Harmon G. Barkwell, Henry Lowrey, and Thomas H. Lowrey, which said acknowledgment was taken by Willis Curd, clerk of the circuit court of said Clark county, and State aforesaid, is hereby declared to be valid in law, and the recorder of Spencer county Indiana, is hereby authorized to record the same.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER XCVI.

An act further to amend the charter of the Lafayette and Indianapolis Railroad Company

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act approved February 16, 1848, entitled "an act to amend the act to provide for the continuation of the Madison and Indianapolis Railroad approved January 19, 1846," and the act concerning the Lafayette and Indianapolis Railroad Company, approved January 15, 1849, be, and the same are hereby, declared to be public acts.

Sec. 2. Whenever any action has been or shall be brought against said company, its officers, agents, or persons employed as contractors, or otherwise, for any alleged trespass to lands through which said road may run, occasioned by the construction, repair, or use of said road, it shall be lawful for the defendent, in such action, to plead the general issue, and give in evidence under that plea, the acts of incorporation, and acts amendatory thereto, and any other matter of justification, and they shall not be required to plead such justification specially.

Sec. 3. It shall be lawful for the guardian of any infant through whose land said road may run, to release to said company, in behalf of his ward, the right of way for such road, as fully and unconditionally as said infant might or could do if he were of full age.

Sec. 4. All conveyances, leases, and transfers of real estate to and from said company, shall be in the corporate name of the company; and when they are made by the company, they shall be sealed with its seal and signed by the president and countersigned by the secretary. The twenty-fourth section of the "act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28, 1842, is hereby amended so far as said Lafayette and Indianapolis Railroad Company are concerned, so as to conform to the provisions of this section. Conveyances and transfers of real estate heretofore made, either by or to said company, are hereby declared lawful, whether the same were made in the name of the president or in the corporate name of the company.

Sec. 5. This act is hereby declared to be a public act, and shall be in force from and after its passage and acceptance by the board of directors of said Lafayette and Indianapolis Railroad Company.

CHAPTER XCVII.

An act to locate a State road on the line between the counties of Steuben and De Kalb.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of De Kalb county shall, at their next March term, or any time thereafter, appoint some person resident of said county, and the board of commissioners of Steuben county shall, also, at their next March session, or any time thereafter, appoint some person resident of said Steuben county, which said persons so appointed as aforesaid shall, within six months after their appointment, locate a State road on the county line between the counties of Steuben and De Kalb, or as near thereto as the nature of the ground will permit, and commencing at a certain county road which crosses said county line at or near the north-west corner of section four (4), in Fairfield township, in De Kalb county, and thence extending easterly along said county line, or as near thereto as the nature of the ground will permit, until it shall cross the Fort Wayne and Coldwater road, and connect with a certain other State road heretofore located along said county line, and extending from said Fort Wayne and Coldwater road easterly to the village of Hamilton.

Sec. 2. The said persons so appointed as commissioners as aforesaid, may employ a surveyor, if they shall deem it necessary, and shall report their proceedings in writing to the boards of commissioners of Steuben and De Kalb counties, at their next term after said location has been made; the said locating commissioners shall receive for their compensation the sum of one dollar per day each, for the time which they shall be necessarily employed in making such location, which shall be paid from the treasuries of their respective counties.

Sec. 3. The said commissioners shall, in all things, be governed by the laws now in force, except so far as the provisions of this act conflict with the same, and the road by them located under the provisions of this act, shall become a State road and a public highway from and after the time when the report of said commissioners shall be spread upon the order books of the board of commissioners of said counties.

Sec. 4. This act shall take effect and be in force from and after its passage, and it is hereby made the duty of the secretary of State to cause a certified copy of this act to be filed in the auditor's office in said counties of Steuben and De Kalb.

CHAPTER XCVIII.

An act for the relief of William J. H. Robinson of Jackson county.

[APPROVED JANUARY 21, 1850.]

WHEREAS, It has been represented to this General Assembly that William J. H. Robinson rented from one John Zuloff, representing himself as the agent of the heirs of John Fischli, deceased;

AND WHEREAS, The people of Jackson county believing that the property had reverted to the State of Indiana, and have had a law passed requiring the said agent to bring suit to quiet the title, and in accordance to the act of the General Assembly suit is now pending in the Marion Circuit Court: now, therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That, if the title of said property shall be found to lie in the State, the said Robinson shall have two years from and after the first of December next.

Sec. 2. The said Robinson shall be bound to keep and return the property in as good order at the expiration of said two years as it is at the expiration of the present term of said lease. Nothing herein shall be so construed or understood to affect the claim or claims of any person or persons whatsoever.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER XCIX.

An act to incorporate the Rising Sun and Allensville Turnpike Company.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Lot North, Samuel Jelley, Hugh Espey, Wilson North William Stewart, John Littlefield, William Dickson, and Solomon Washer, and their associates and successors be and they are hereby created a body politic and corporate, by and under the name of the "Rising Sun and Allensville Turnpike Company," and by such name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts having jurisdiction, and do and perform all other acts and things necessary and proper to carry out the objects of said incorporation.

Sec. 2. Said company shall have power to view, locate, and construct a [turnpike road] from Rising Sun, in Ohio county, in the direction of Allensville, in Switzerland county, and shall have and possess all the rights, powers, and privileges conferred on the Rising Sun and Versailles Turnpike Company, by the act entitled, "An act to incorporate the Rising Sun and Versailles Turnpike Company," approved, January 17th, A. D. 1850, and be subject to all the restrictions, limitations, and terms thereof, so far as the same are not repugnant to the provisions of this act.

Sec. 3. This act shall take effect, and be in force from and after its passage.

CHAPTER C.

An act to authorize Presley A. Irwin of Jennings county to file a bill in Chancery.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Presley A Irwin of Jennings county in said State is authorized to file his bill for divorce against his wife Rosett, in the circuit court of said county, at the spring term thereof in the year 1850, and on the filing of said bill in the clerk's office of said court twenty days prior to the first day of said term, and on proof being made according to law, in said court, that notice has been given to said Rosett of the filing of said bill by newspaper publication in said county for twenty days prior to the first day of said term, said court shall have and entertain jurisdiction of said cause, and shall at said term proceed to a final hearing and decree in said cause in all respects according to law, excepting as herein provided.

Sec. 2. This act shall be a public act and shall be in force from and after its passage, and the Secretary of State shall immediately send a certified copy thereof to the clerk of the said Jennings Circuit Court.

CHAPTER CI.

An act to incorporate the Eagle creek, Marion county, Horse Thief Detecting Company.

[APPROVED JANUARY 21, 1850.]

WHEREAS, Crimes of all descriptions, and particularly horse stealing and house breaking have lately, in many parts of the State, been committed with unaccustomed daring;

AND WHEREAS, It is represented, and believed to be true, that these offences are committed by organized companies of daring and desperate men, whose vigilance and secret communication with each other enable them to evade the slow and more public process of the law; therefore, for the more certain arrest and punishment of such offenders,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Harding, William Holmes, Vincent Miller, Jacob Pugh, Asa B. Strong, Isaac Pugh, and James Johnson, and their associates and successors in office be and they are hereby constituted a body politic and corporate, by the name of the "Eagle creek, Marion county, Horse Thief Detecting Company," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of competent jurisdiction, and may have and use a common seal and alter the same at pleasure.

Sec. 2. A majority of said corporation shall have power to adopt a constitution and by-laws for their government, and inflict such penalties as may be necessary to carry the same into effect, which constitution and by-laws shall be consistent with the constitution and laws of this State.

Sec. 3. Said corporation may appoint or elect all such officers as they may deem necessary for their organization, who may severally hold their offices and perform the duties that may be required of them by the constitution and by-laws, until their successors are elected and qualified.

Sec. 4. Said corporation may at any time add to their numbers and may expel in such manner and for such causes as they may prescribe in their constitution or by-laws, and may assess such taxes and impose such fines as shall be prescribed or a majority of the members at any meeting may deem proper.

Sec. 5. Said corporation shall have power to call to their aid the peace officers of the State in the pursuit and apprehension of all felons, and in reclaiming stolen property, and in returning it to the owner or owners thereof. And each member of the corporation shall have power to arrest and deliver over to the civil authorities, without a warrant, any person against whom there are circumstances of strong suspicion and guilt that such person has been recently engaged in horse stealing, or in stealing any other property,

or in the commission of any other felony or high misdemeanor, or in aiding or abetting in the commission of any such crime or assisting in the escape of any such person. And the offenders who may have been so arrested shall, without delay and without any unnecessary violence, be delivered over to the civil authorities of the county where the crime was committed, or to the civil authority of some county convenient thereto, as may best suit the members of said company having the person in custody.

Sec. 6. The members of the corporation while engaged in the service of pursuing or arresting offenders within the State shall have all the powers of sheriffs and constables in calling to their assistance the power of the county, and for a refusal to assist or obey the call of such members, the person so refusing shall be subject to the same penalties as upon a refusal to obey the sheriff of the county.

Sec. 7. This act shall be in force from and after its passage.

CHAPTER CII.

An Act for the relief of Sarah M. Emerson.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Sarah M. Emerson be, and she is hereby authorized to file her bill for a divorce in the Gibson county circuit court, without regard to the length of time she may have resided in said county and State of Indiana. And the court aforesaid shall be, and is hereby authorized and required to grant a divorce to the said Sarah M. Emerson without requiring her to comply with the provisions of sections 38 and 40 to 46 inclusive, of chapter 35, of Revised Statutes of 1843.

This act to take effect and be in force from and after its passage.

CHAPTER CIII.

An Act to amend an act, entitled "An act to incorporate the Lagro, Marion, and Jonesboro Plank Road Company," approved Jan. 16, 1849.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the above recited act be so amended that the directors of said company are empowered to receive real estate or personal property in payment of subscriptions to the stock of said company, to be taken at the estimated value thereof as made by the said directors: *Provided*, That no personal property or real estate received in payment of stock to said company shall be sold by the directors for a less sum than that at which it is estimated and received by said directors: *And provided further*, That no dividends shall be paid upon stock subscribed and paid for by real estate or personal property, until such real estate or personal property shall have been sold and the proceeds made available in the construction of said road.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CIV.

An Act to authorize the Commissioners of Howard county to borrow money.

[APPROVED DECEMBER 15, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the rights, privileges, and benefits of an act, entitled "An act to authorize the Commissioners of Hamilton, Miami, and Tipton counties to borrow money," approved Jan. 5, 1849, be, and the same are hereby extended to the Board of Commissioners of the county of Howard. And all persons loaning money to said commissioners are hereby authorized to receive any rate of interest agreed upon, not exceeding the rate set forth in said act.

CHAPTER CV.

An Act to amend an act, entitled "An act to incorporate the town of Hagerstown, in Wayne county," approved Jan. 19, 1846.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said town be divided into five wards, as follows, viz: ward No. 1, to be that part of said town lying south of Main street and east of Perry street; ward No. 2, lying north of Main street and east of Perry street; ward No. 3, lying north of Main street and west of Perry street; ward No. 4, lying south of Main street, to extend as far south as South Market street, containing that portion of the town being west of Perry street between Main and South Market street; and ward No. 5, to contain that portion of the said town lying west of Perry street and south of South Market street; and that one councilman shall be elected from each ward, and when so elected and qualified as provided in the act to which this is an amendment, shall form and constitute the Board of Common Councilmen for said town.

Sec. 2. That the office of Mayor of said corporation be, and is hereby abolished; and the judicial powers and duties of said officer shall fall and devolve on the oldest commissioned justice resident within the bounds of said corporation, to whom the docket of the Mayor of said town shall be delivered over, with all summonses, warrants, executions, and other writs and papers belonging to said office.

Sec. 3. That the said Board of Common Council, when met in their official capacity, shall elect a president of their number, with all the other officers necessary under said original act, in accordance with the provisions thereof, so far as applicable to and with the present amended act.

Sec. 4. The qualified voters of said town shall elect at the annual election an assessor and marshal, who shall hold their offices for the term of one year from date of their election, and until their successors are duly elected and qualified. The duty of the assessor shall be to list and assess the real and personal estate within said corporation, under the order or rule of the Board of Common Council. The marshal shall be treasurer and collector for said corporation by virtue of his office, with full power to collect the taxes duly assessed and levied by said Board, having as full power and authority so to do as the collector and treasurer of the county of Wayne now has, or may have, by virtue of his said office to collect the taxes of said county.

Sec. 5. This act to be in force from and after its passage; and all acts or parts of acts coming in conflict with this act are hereby repealed.

CHAPTER CVI.

An Act to incorporate the American Live Stock Insurance Company.

[APPROVED JANUARY 2, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns shall be, and are hereby constituted and made a body politic and corporate, by the name and style of the American Live Stock Insurance Company, and that the office of said company shall be located in Vincennes, Indiana.

Sec. 2. That Hiram Decker, M. D., B. S. Whitney, John Emison, Charles Mix, S. W. Cronk, A. B. Miller, Isaac N. Eeastham and D. Runion, or a majority of them shall be commissioners to receive subscriptions to the capital stock of said company, which subscriptions shall be received upon such notice, and at such time and place as said commissioners shall direct; and as soon as two hundred shares of said stock shall be subscribed, said commissioners may call a meeting of the stockholders, by an advertisement published in such place or places as the commissioners may determine, stating the time and place at which such meeting of the stockholders shall by ballot elect the first directors of said company.

Sec. 3. That the stock, property, and affairs of said company shall be managed and conducted by not more than nine, or less than five directors, who may respectively hold their offices for one year, and until others are chosen in their stead. The annual election for directors shall be held on the first Monday in January in each year, at the office of the company, notice of which shall be given in one or more newspapers published in Vincennes, Indiana, at least one week previous to said election; such election shall be held under the direction of three stockholders, to be appointed by the directors, and such election shall be held by ballot, and by a plurality of the stockholders and their proxies, allowing one vote for each share of said stock. Said election may, however, be adjourned from time to time, by the directors, as they may see fit. And in case it shall so happen that an election of directors shall not be made on the day appointed by this act, said company shall not for that cause be deemed to be dissolved, but said election may be holden on any day, which shall be appointed by the directors of said company, and said directors shall have power to fill any vacancy in their number, which may occur by death, resignation, or otherwise.

Sec. 4. That the capital stock of said company shall be fifty thousand dollars, which shall be divided into shares of fifty dollars each. The capital stock may, however, be increased to one hundred thousand dollars, whenever the same shall be directed by vote of the stockholders; and there shall be paid into the treasury of said corporation at the time of subscription, by each subscriber to the capital stock, an instalment of one dollar on each share of stock by him, her, or them subscribed, and the remainder shall be paid at such time, and on such terms, as shall be determined by the President and directors of said company.

Sec. 5. It shall be the duty of the directors on organizing the company, and annually thereafter, to choose out of their number a President; they may also elect a Vice President, who shall perform the duties of the President in case of his absence, death, or inability to act. And the directors shall make such by-laws and regulations, as shall be deemed necessary for governing and managing said corporation, not contrary to the laws of this State, or of the United States, and may make a common seal, and alter the same at their pleasure.

Sec. 6. It shall be lawful for the said company to insure against the loss of all kinds of cattle and live stock, and valuable beasts, arising from death either from natural causes, accident, or disease of any description whatever, and to make all and every insurance appertaining thereto.

Sec. 7. That all notes, policies of insurance, or other contracts, which shall be made and entered into by said corporation, may be with or without the seal thereof, and shall be subscribed by the President and Vice President, and attested by the Secretary, and being so signed, executed, and attested, shall be binding and obligatory upon said corporation, according to their true intent and meaning; and all such notes, policies, and contracts may be so made, signed, and executed, and attested, without the presence of the board of directors.

Sec. 8. It shall and may be lawful for said company to take and hold real estate or securities *bona-fide*, mortgaged or pledged to said company to secure the payment of any debt which may be contracted with said company, and take any real estate in payment of any debt previously contracted and due to said company, or which may come to said company by virtue of any judgment, execution, or decree, at law or in equity, and to hold the same until they can convenintly sell and convert the same into money, and also to invest the capital stock, or so much of the surplus profits of said company as they may deem fit, in such manner as the directors may decide, and to call in and re invest the same as often as it shall be deemed necessary for the interests of the company.

Sec. 9. The capital stock of said company shall be transferable according to the rules and regulations prescribed by the directors, and every subscriber of any share or shares of said stock, who shall neglect to pay the instalments, or secured the same, as prescribed by the directors aforesaid, shall forfeit the same to the corporation, and all payments made thereon, and all profits that may have accrued thereon: *Provided*, That at least thirty days notice shall be

given to such negligent subscriber or stockholder before the time of such forfeiture.

Sec. 10. It shall and may be lawful for the directors of said company, to make dividends of so much of the profits of said company as shall appear advisable, and said dividends shall be paid to the stockholders, or their representatives; but the dividends shall never exceed the amount of clear profits by the company, but the capital stock shall be and remain unimpaired.

Sec. 11. The said company shall cause to be kept at their office, proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which shall at all proper and reasonable times be open for the inspection of the stockholders.

Sec. 12. That the stockholders of said company shall, in their individual capacity, be liable for all debts and contracts of said corporation to the amount of their several subscriptions, and held at the time of contracting said indebtedness: *Provided, however*, Such individual liability shall not be enforced until the assetts of the company shall have been first proceeded against and exhausted.

Sec. 13. Nothing in the forgoing act shall be so construed as to confer upon said corporation any banking powers, so as to authorize the issue of any bills of credit or certificates of deposit, to pass as a circulating medium; and the Legislature hereby reserves the right to repeal this charter whenever it shall conceive the public interest requires such repeal.

Sec. 14. This act shall take effect and be in force from and after its passage, and be deemed and taken as a public act.

CHAPTER CVII.

An act to amend an act entitled "an act to incorporate the Harrison, New Trenton, Rochester, and Brookville Turnpike Company," approved January 13, 1849.

[APPROVED JANUARY 12, 1850.]

WHEREAS, By the said act, approved January 13, 1849, it is amongst other things provided, that said Turnpike Company shall be authorized to use the bridge across the east fork of White Water river, near Brookville, erected by the State for the use of the public, upon paying one-third of the expenses of repairing the same,

AND WHEREAS, Under the act of incorporating the White Water Valley Canal Company, it is the duty of said company to keep said bridge in repair,

AND WHEREAS, It is represented to this General Assembly, that said bridge is rapidly going to decay, for the want of a roof and other necessary repairs, for remedy whereof,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That said Turnpike Company may, and it is hereby authorized, on the failure of said Canal Company, for sixty days after the passage of this act, to put said bridge in repair, to proceed and make the necessary repairs on said bridge, two-thirds of the expense of which shall be borne by said canal company, and the other third by said turnpike company.

Sec. 2. *And be it further enacted*, That said bridge shall constantly hereafter be kept in repair by said companies, two-thirds of the expense of which shall be borne by the canal company, and the other third by the turnpike company.

Sec. 3. That should the whole of said repairs be made by either company, or should either company expend more than its proportion, under this act, in putting or keeping said bridge in repair, the other shall be liable in an action of debt or assumpsit, for the excess thus expended over and above its proportion.

Sec. 4. Every person, being a traveller on said turnpike, who shall, for the purpose of avoiding the payment of the tolls chargable thereon, pass through, by, or around any toll-gate erected by said turnpike company, on said pike, shall, for every such offence, forfeit and pay to said turnpike company the sum of five dollars, which may be collected in an action of debt, before any court of competent jurisdiction.

This act to take effect and be in force from and after its passage.

CHAPTER CVIII.

An act to incorporate the White County Monticello Bridge Company.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name and style of the White County Monticello Bridge company, and by that name shall be capable of holding real estate, sufficient for carrying into effect the purposes of this act, and of suing and being sued, defend and being defended, in law and equity,

in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the constitution or laws of this State or of the United States, or shall from time to time be found necessary for the management and good government of said corporation.

Sec. 2. That Peter Price, Zebulon Sheetz, John Boberts, Randolph Brearly, Samuel Kefenberrick, George R. Barkley, and Robert A. Spencer, shall be commissioners to open books at the town of Monticello, in the county of White, for receiving subscriptions to the capital stock of said corporation, and the said books shall be opened on the first Monday in any month within a year after the passage of this act, by giving public notice twenty days previous thereto, in the nearest newspaper printed thereto, and having general circulation in said county.

Sec. 2. That the capital stock of said corporation shall be three thousand dollars divided into shares of twenty-five dollars each, and may be increased to not exceeding five thousand dollars by the board of directors, if necessary for the purposes of the corporation.

Sec. 4. Whenever seventy-five shares of the stock of said corporation, shall be subscribed, the commissioners shall cause an advertisement to be inserted in some public newspaper having general circulation in said county, giving at least twenty days notice of the time and place of the meeting of the stockholders, to choose directors, and at the time and place appointed, the stockholders shall choose seven directors, being stockholders of said corporation, who shall serve one year, and until their successors are chosen and qualified into office; an annual election for directors shall be held at such time and place as the stockholders, at their first meeting, shall appoint; the directors thus chosen, shall, as soon thereafter as practicable, choose one of their body as president, and also to appoint a secretary and such other officers as may be necessary: *Provided,* That should the stockholders neglect or fail, at any time, as above mentioned, to elect directors, the corporation, on that account, shall not be dissolved, but the president and directors, for the time being, shall continue to exercise the duties of their office until their successors are chosen by the stockholders.

Sec. 5. The directors may demand from the stockholders respectively, all such sums of money by them subscribed, at such times, and in such portion as they may think proper, and in the penalty of forfeiting their respective shares and all previous payments made thereon.

Sec. 6. The said corporation may erect a bridge across the Tippecanoe river, at the town of Monticello, in the county of White, at such place as shall be deemed most advisable.

Sec. 7. The said bridge shall be built not less than twenty feet wide, and shall be well secured by railing on each side, not less than four feet high.

Sec. 8. Whenever the said bridge shall be completed, the said

corporation may erect a gate at either end of said bridge, and demand and receive a toll not exceeding the following rates, to-wit: for every four wheeled pleasure carriage, drawn by two horses, twenty cents; if drawn by four horses, twenty-five cents; every two wheeled pleasure carriage, ten cents; every wagon or cart drawn by two horses, mules, or oxen, fifteen cents; if drawn by four horses, mules, or oxen, twenty-five cents; each sled or sleigh, drawn by two horses or oxen, ten cents; every one horse cart, wagon, sleigh, or cutter, ten cents; every man and horse, five cents; every foot passenger, three cents; every horse, jack, mule, or head of neat cattle, two cents; every sheep or hog, one cent; but all persons going to or returning from funerals and places of religious worship, going to and returning from the annual elections, going to and returning from training, when doing duty in [as] militia, shall be exempt from paying toll.

Sec. 9. If any person or persons shall wilfully impair or injure said bridge, he, or she, or they, so offending, shall forfeit and pay to the corporation the sum of five dollars, to be recovered with costs of suit, and also be liable to pay the corporation trible the amount of damages sustained with cost of suit, to be recovered in an action of trespass in any court of competent jurisdiction.

Sec. 10. If any person shall forcibly pass the gate without having paid legal toll, he, or they shall forfeit and pay to said corporation ten times the amount of legal toll, to be recovered in an action of debt, before a justice of the peace.

Sec. 11. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall for every such offence, on conviction, forfeit the sum of five dollars, to be recovered before a justice of the peace, to the use of the person so unreasonably hindered, delayed, or defrauded.

Sec. 12. If such bridge be not constructed within the period of five years from the passage of this act, then and in that case, this act shall be null and void, otherwise to remain in full force and effect for the term of fifty years.

Sec. 13. That each stockholder shall be entitled to such proportions of the dividends made by said company, as the amount of his stock bears to the whole amount paid in, which sum shall be paid to him at the office of the company, at any time when demanded, after ten days from the time of making such dividend.

Sec. 14. That dividends of the nett proceeds of said company shall be made quarter yearly, on the third Mondays of February, May, August, and November.

Sec. 15. Nothing in this act shall be so construed as to prevent the establishment of a ferry at any place within one mile of said bridge, during the time that said bridge may be destroyed or unsafe for passage.

Sec. 16. That the directors of said company shall be individu-

ally liable in their private property, for any debt of said corporation by them created over and above the amount of the solvent stock of said company.

Sec. 17. The Legislature reserves the right to incorporate other associations, when public good shall require it, for the same purposes authorized in this charter, and nothing in this act shall prevent the establishment of ferries over said river, at any poiut at or near Monticello.

Sec. 18. This act to take effect and be in force from and after its passage.

CHAPTER CIX.

An act to authorize the draining of the Peru Prairie, in Miami county.

[APPROVED DECEMBER 22, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Hiner, Henry Zem, John M. Porter, William A. McGregor, and Alphonso A. Cole, and their successors in office, be, and they are hereby constituted a body politic and corporate, under the corporate name and style of "the Peru Prairie Draining Company," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity in said State.

Sec. 2. The persons named in the foregoing section shall be styled the directors of said company, who may meet and adjourn upon their own appointments, at such time or times as they or a majority of them may agree upon, for the transaction of business, a majority of whom shall constitute a quorum, and shall have power to fill all vacancies, and shall elect one of their number president and another secretary of said company.

Sec. 3. Said company shall, as soon as convenient after the passage of this act, employ some competent engineer to survey, locate, and prepare for letting a ditch, commencing in section 22, township 27 north, of range 4 east, in said county, at or near the line dividing the lands of Albert Cole and John Hiner, and on the open line running east and west through the middle of said section, and to run west on said open line to some point convenient to La-Fountain's creek, on or near the lands of Eli Pugh, and thence in a south or south-westerly direction to said creek.

Sec. 4. Said engineer when so appointed, shall, as soon as practicable, proceed to locate and lay off said ditch, and make an estimate of the same, and prepare the same for letting in sections of eighty rods, as near as practicable, so as to make the same correspond as near as may be to the different tracts of land through which the same may pass.

Sec. 5. Said company shall, as soon as said surveys, location, and estimate are completed, proceed to let said work by sections, at such time and place as they shall appoint, first giving at least two weeks notice of the time and place of letting, either by publication in some public newspaper, or posting up written or printed notices in five public places in the vicinity of the work; and in letting said work, said company shall award the contracts to the lowest responsible bidder, and are authorized to require of the contractors a bond and security for the due and proper performance of their contracts: *Provided*, That nothing herein contained shall be so construed as to prevent any member of said company, or other person interested in said draining, in case he is the lowest bidder for the same, from becoming a contractor.

Sec. 6. In case any contractor shall fail to complete his contract, or otherwise violate the same, the said company shall immediately declare the same abandoned, and cause it to be re-let.

Sec. 7. When any contract is completed, the engineer shall issue to the contractor a certificate stating that such contract is completed, and the amount that is due him therefor agreeably to his contract, which certificate shall be attested by the secretary of said company.

Sec. 8. As soon as convenient after said work is put under contract, the said company shall call a meeting of the persons to be benefited by said drain, by giving at least two weeks notice thereof in some public newspaper printed in said county, or by written or printed notices posted up in five or more public places in the vicinity of said work, for the purpose of electing three disinterested commissiones, whose duty it shall be to view the land benefitted by said drain, and assess the proportion of the benefit that the several tracts will derive from the same, and shall make out a list of said lands, describing them as they are described on the auditors duplicate, with the amount set opposite each tract, which assessment shall be a lien upon the said lands as other taxes are by law; and the said commissioners shall annex to said list their affidavit in writing that the same is a true and proper assessment under this act, according to the best of their judgments and belief, and return the same to the auditor of said county, who shall charge said assessments on the tax duplicate as other taxes are charged, and the same shall be collected by the treasurer of said county in all respects as other taxes are collected.

Sec. 9. Said assessment shall not be made until the total cost of said ditch shall have been ascertained, which shall include not only the cost of the ditch, but shall also include all contingent expenses, and whatever work may be necessary in clearing out La-fountain's creek as specified in the next section.

Sec. 10. Said company shall have the authority, if they deem it necessary, to clear out said creek below the point of intersection

with said ditch, in which case it shall be considered but an extension of said ditch, and may be let an otherwise governed in all respects by the provisions of this act.

Sec. 11. Any of said certificates, or the certificates of the said company, signed by the president and attested by the secretary, given for contingent expenses, shall be received by said treasurer in payment of any of said assessments; but in case the same are not received in payment of assessments, the said treasurer shall pay the same in the order in which they are presented, as fast as he shall receive funds for that purpose.

Sec. 12. In case the said assessments should not be paid so as to redeem said certificates on presentation, the penalties and interest which are chargable thereon shall be paid over *pro rata* to the holders thereof when collected.

Sec. 13. Neither the said directors, nor the said auditor nor treasurer shall receive any compensation for their services.

Sec. 14. The said company may adopt or use an ink scrawl with the word "seal" written or printed thereon as their seal.

Sec. 15. Any five persons who may be interested in draining the east, or upper, or south-east portion of said prairie, may organize a company under the name and style of the "Upper Peru Prairie Draining Company," by first giving two weeks' notice of their intention so to do, either by publication in some newspaper printed in said county of Miami, or by written or printed notices posted up in five public places in the vicinity of said prairie; and when so organized, may have and avail themselves of all the provisions and benefits of this act, and may construct one or more ditches as they may deem proper for the purpose of draining said upper portion of said prairie, and may locate the same in such place or places as the said company may deem proper, and they shall be governed in all respects by the provisions of this act.

Sec. 16. This act to take effect and be in force from and after its passage, and the filing of a copy thereof in the office of the auditor of said county of Miami; and it is hereby made the duty of the Secretary of State to forward a certified copy hereof to said auditor immediately.

Sec. 17. The president and directors of said company shall be individually liable for all debts contracted over and above the reasonable estimate of the engineer.

CHAPTER CX.

An act to change the name of Reastine Cox.

[APPROVED DECEMBER 13, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of diana*, That the name of Reastine Cox, of Parke county, Indiana, be, and the same is hereby changed to that of Reason Allstott, by which said last mentioned name he shall hereafter be known and recognized.

Sec. 2. That any contract heretofore entered into by the said Reason Allstott, or any devise or bequest made to him in his said former name of Reastine Cox, shall be as valid and effectual, and may be enforced either by or against him, in and by the said name of Reason Allstott, as fairly and completely as if his original name had remained unchanged, and all bequests and devises made to him by either of his said names, either before or after the passage of this act, shall be equally valid and effectual.

Sec. 3. This act shall be a public act, and shall be in force from and after its passage.

CHAPTER CXI.

An Act to change the name of Eliza Jane Bristo to Eliza Jane Swisher, and that of Nancy Brown to Nancy O'Neal.

[APPROVED DECEMBER 22, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Eliza Jane Bristo, of the county of Warren and State of Indiana, be changed to Eliza Jane Swisher.

Sec. 2. That the name of Nancy Brown, of Putnam county, be and the same is hereby changed to the name of Nancy O'Neal.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CXII.

An Act to change the names of Mary Jane Manning and Margaret Ann Manning, of Vanderburgh county.

[APPROVED DECEMBER 22, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the names of Mary Jane Manning and Margaret Ann Manning, of the county of Vanderburgh, be and the same are changed from Manning to Fergus, and that hereafter they shall be known by the name of Mary Jane Fergus and Margaret Ann Fergus.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CXIII.

An Act in relation to Lamasco City.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Lamasco, in the county of Vanderburgh, which was incorporated in the year eighteen hundred and forty-seven, according to the provisions of the first article of the twenty-fifth chapter of the Revised Statutes of Indiana, shall embrace the following corporate limits and bounds, as follows, to-wit: the western boundary of said corporate limits shall be Pigeon creek, the north boundary shall be Eighth street to the north line of the same, the southern boundary shall be the Ohio river, including within its corporate limits all the land and ground embraced or contained between Pigeon creek and a line drawn due south from the east end of said Eighth street, to the Ohio river, and not included within the corporate limits of the city of Evansville.

Sec. 2. The first article of chapter twenty-five of the present Revised Statutes of Indiana, shall still continue to govern the proceedings of the inhabitants and officers of said town of Lamasco City as heretofore, except so far as the said article has already been altered and amended, and except so far as it may be modified and amended by this and subsequent acts. The present officers of said town shall continue in office, as if it had not been adopted.

Sec. 3. The president and trustees of said town of Lamasco City are hereby authorized to assess a poll tax, not exceeding one dollar,

upon each and every male inhabitant of said town, between the ages of twenty-one and fifty years, for the year of our Lord 1850, (which will be the fourth corporate year of said town), and annualy thereafter; and enforce the collection of the same as they shall prescribe by ordinance. They shall also have power to remit, in part or altogether, both poll and *ad valorem* taxes, assessed by the corporation, in cases of sickness of the persons liable to pay the same, and for other sufficient causes.

Sec. 4. No merely formal defect in any of the acts or proceedings of any of the officers of said town shall impair or anywise affect the force or validity thereof.

Sec. 5. If any person shall continue or aid in continuing any public nuisance within the limits of said town, after he has been ordered by the said president and trustees to discontinue the same, he may be indicted and prosecuted in the name of the State of Indiana, and fined in any sum not exceeding two hundred dollars.

Sec. 6. The present president and trustees of said town, and their successors in office, shall have power to order side-walks to be constructed, in such manner as they may deem proper, on any street or part of street of said corporation, and on failure of the owner of any lot to comply therewith, the said president and trustees may cause the same to be constructed at the expense of said owner; and after giving three weeks' notice of the time and place of sale in any of the weeky newspapers published in said county of Vanderburgh, the marshall of said town may sell at public auction the whole of said lot, or such fraction thereof as may be necessary, to pay for the construction of the side-walk in front of said lot, and all reasonable costs and charges incidental upon its non-construction; and the said marshall shall have authority to convey the same by deed to the purchaser or purchasers immediately; but the owner of said lot shall have the privilege of redeeming the same, at any time within two years after said sale, on paying to the purchaser or purchasers the consideration of the deed with twenty per cent. interest thereon.

Sec. 7. All those certificates of purchase of lots delinquent for the taxes of said town, or of the fractions thereof, sold for the non-payment of the taxes of said town, assessed for the first and second corporate years, in other words, for the years of our Lord 1847 and 1848, already made, signed, and sealed by the marshall of said town, and subsequently acknowledged by him before a justice of the peace of said county; and likewise all those certificates of the same nature which may hereafter be thus made, signed, sealed, and acknowledged by the town marshall, shall, in two years after the day of sale, have the force and effect of deeds of conveyance; and no further conveyance, on the part of the town or any of its officers, to the purchaser or purchasers, shall be requisite or necessary: *Provided*, The said delinquent lots shall not be redeemed by their former proprietors within the said two years.

Sec. 8. All taxes collected on any property in any ward of said

town of Lamasco, and within the corporate limits, and assessed by the president and trustees of said town of Lamasco for improvements in the corporate limits of the same, shall be expended in the ward in which the same is collected, as may be directed or required by a majority, in number and amount of assessment of the taxpayers in said ward.

Sec. 9. No amendment or alteration of the charter of said town shall be allowed or made without six weeks' previous notice being given in some public newspaper printed in English in said county of Vanderburgh, setting forth specifically what said alteration or amendment is to be; nor shall the same be permitted or allowed except upon the petition of a majority in number and value of assessment of those paying taxes in said corporation.

Sec. 10. All laws and parts of laws coming within the purview of and contravening this act are hereby repealed.

Sec. 11. This act is to be construed favorably, and is to take effect and be in force from and after its passage.

CHAPTER CXIV.

An act in relation to extra taxes in Lamasco City.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the President and Trustees of the town of Lamasco City, in Vanderburgh county, shall be authorized to assess an *ad valorem* tax on property within the corporation in addition to the taxes at present authorized by law, to be assessed, not to exceed twenty cents on each one hundred dollars worth of property, for the purpose of internal improvements in said corporation; *Provided*, That the whole amount of tax authorized to be assessed by said President and Trustees of Lamasco City, for all purposes annually, shall not exceed sixty cents on each one hundred dollars worth of property in said Lamasco City.

CHAPTER CXV.

An act to amend an act, entitled "An act authorizing Supervisors to work a certain road in Ohio county.

[APPROVED DECEMBER 22, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several Supervisors of road districts in Ohio county, through which the Rising Sun, Versailles, and Napoleon turnpike road may pass, be and they are hereby directed to keep said road open and in good repair, and for that purpose, shall apply all or such portion of the road tax of their respective districts, as may be necessary for that purpose, until toll-gates shall be erected on said road.

Sec. 2. All laws and parts of laws contravening the provisions of this act, are hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXVI.

An act to legalize the settlement of the Auditor and Treasurer of Kosciusko county, for the financial year ending June, 1849, and for other purposes.

[APPROVED, JANUARY 2, 1850.]

Whereas, By an act of the General Assembly of this State, at its last session, approved January 16, 1849, passed in consequence of the death of Mahlon F. Davis, late treasurer of said county of Kosciusko, his successor, the present treasurer of said county, was authorized to settle with the treasurer of State, on or before the third Monday of March, 1849, being a later period than is prescribed by the General Laws of the State; but it was omitted in said act, to prescribe a later and corresponding period for the settlement of said county treasurer with the auditor of said county.

And Whereas, It being found to be impracticable by said auditor and treasurer, to make their settlement at the time fixed by law, such settlement was by them made, between the eighth and nineteenth days of March, 1849, both days inclusive, at which time, the said treasurer made his return of delinquent lands and taxes for said year, which were between the days aforesaid, recorded by said auditor in his office. Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts of the auditor and treasurer of said county of Kosciusko, in making said settlement at the time above mentioned, and in making said return of delinquent lands and taxes for the year aforesaid, and the recording of the same by said auditor in the books of his office, and all other acts and doings of said officers, in and about said settlement, return, and record aforesaid, be and the same are, and each and every part thereof, is hereby legalized and declared to be valid and binding in law, as fully as though the same had been done and performed at the time and in the manner required by the laws of this State, in force in said county.

Sec. 2. That all the lists of delinquent lands and lots in said county of Kosciusko, recorded by the auditor of said county, in any preceding year, and which were required by law, to be recorded on the first day of October, annually, be and the record of each and every one of them, is hereby legalized and declared to be valid and binding in law, in all cases where it shall appear that the same was recorded by said auditor, at any time within fifteen days before and fifteen days after the first day of October, in any such year; and no informality in the recording and record of said lists, shall affect the validity and legal effect thereof.

Sec. 3. That it shall not be held to be necessary in any publication of the lists of delinquent lands and lots of said county, heretofore made, or hereafter to be made, in any public newspaper, to set forth the description of the lands and lots therein returned as delinquent, in words at full length, but that the description of the same by figures, and by initial letters thus as N. for north, and N. W. for north-west, and the like, shall be deemed a sufficient publication in law; and in all questions that may arise concerning the fact of any publication having been made of any such delinquent lists, the record in the office of the county auditor, setting forth that such list has been published according to law, or the production of one copy of the newspaper, extra, or supplement, in which the same appears to be published, shall be taken and deemed as sufficient proof of a legal publication thereof.

Sec. 4. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

CHAPTER CXVII.

An act incorporating the Grand Royal Arch Chapter of the State of Indiana.

[APPROVED, JANUARY, 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Grand Royal Arch Chapter of the State of Indiana, by that name and style, be and the same is hereby declared a body corporate and politic, and by that name shall be able and capable in law to purchase, have, hold, receive, enjoy and retain to itself in perpetuity, or for any term of years, any lands, tenements, or hereditaments of what kind or nature so ever, not exceeding in real estate, one acre of ground, together with the improvements thereon; and of personal estate, not exceeding the sum of five thousand dollars, and to sell, alien, or release the same as said Grand Royal Arch Chapter may think proper.

CHAPTER CXVIII.

An Act to amend an act, entitled "An act to re-charter Hanover College."

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the number "twenty-four," in the eleventh line of the first section of the act to which this is an amendment be, and the same is hereby changed to the number "thirty-two."

Sec. 2. That the following clause be, and the same is hereby added after the word "church," in the fourth line from the bottom of page 146, in section first of said act, to-wit: And in case other synods in connection with said General Assembly shall aid in the endowment of the college, such other synods may be permitted to take part with said synod of Indiana in the filling of said half of the vacancies in the Board, on such terms as may be agreed upon between said synods and the synod of Indiana, and consented to by the Board of Trustees.

Sec. 3. That the words "or synods," in the third line from the bottom of page 146 of said first section of said act, and also the words "or synods aforesaid," at the close of said section be, and the same are hereby added.

Sec. 4. That in the eighth line of the second section of said act before the words "the village of Hanover," the words "or near" be, and the same are hereby added.

Sec. 5. That this act in like manner with the act to which this is an amendment shall be deemed a public act, and shall take effect and be in force from and after its passage.

CHAPTER CXIX.

An Act to amend "An act to incorporate the Logansport and Rochester Michigan Road Company," approved January 15, 1846, and for other purposes.

(APPROVED JANUARY 11, 1850.)

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election of directors as held in the town of Logansport on the 28th day of February, A. D., 1849, be, and the same is hereby legalized; and all contracts made by said directors, or a majority of them, are binding on said company; and said directors shall serve until their successors are duly elected and qualified; and a majority of said directors shall be a quorum for the transaction of business.

Sec. 2. As soon as three consecutive miles of said road are completed said company shall have the right to erect gates, and collect tolls at the following rate for each mile, and for each additional consecutive mile as completed, to-wit: For each horse and rider one-half cent per mile; each wagon, sleigh, sled, or other vehicle drawn by one horse, ox, mule, or other animal, one cent and one-half per mile; and for each additional horse, mule, ox, or other animal, one-half cent per mile; on each passenger, exclusive of the driver, in all stage coaches and other carriages, wagons, or vehicles, that carry passengers for hire, one-quarter cent per mile; on each horse, mule, or ass, led or driven, three mills per mile; and on other neat cattle and hogs, two mills per mile: *Provided*, That if the company shall not have completed two additional miles of said road by the first of November next, then and in that case they shall be restricted from demanding tolls on any part of said road until the two additional miles are completed: *And provided also*, That said company shall have made two miles on some other part of said road, but no toll shall be charged or collected on any detached portions of said road where less than five consecutive miles are finished and completed.

Sec. 3. Any person guilty of any fraud or trespass, by which

said company may be deprived of their tolls, shall forfeit and pay to said company for each offence five dollars, to be recovered by action of debt before any justice of the peace having jurisdiction. And any property of the person guilty of such fraud or trespass, shall be liable for said penalty, and may be attached for the same in the same manner that the property of absconding debtors may be, on the agent of said company filing the necessary affidavit, describing the property and nature and time of the said fraud or trespass committed.

Sec. 4. The words "and not exceeding fifty," in the fifth section of the act to which this is an amendment, are hereby stricken out.

Sec. 5. Sections twenty and twenty-four of said act are hereby repealed.

Sec. 6. All funeral processions, all persons going to and returning from their ordinary place of public worship on the Sabbath day, and all ministers of the gospel going to and returning from their places of preaching, shall pass said road free of toll.

Sec. 7. Said company shall have control of the entire width of said road, as laid out by the State, and may remove obstructions on any part of the same; on the side of the road may plant shade trees or permit any now standing to remain for that purpose. And any person who shall wilfully cut, injure, or destroy any of said trees, or any bridge on said road, or any of its fixtures, or place any obstructions thereon, shall be liable by indictment or presentment in any court having competent jurisdiction, to be fined in any sum not exceeding four-fold the damage done, to which may be added imprisonment in the discretion of the court or jury trying the same; and shall also be liable to said company for the damages so done, and the expense of removing said obstruction: *Provided*, That said company in constructing or repairing the same shall not obstruct the travel on said road without providing a passage around where the same is so obstructed.

Sec. 8. Said company may extend said road north of Rochester to the town of Plymouth, in Marshall county, or the town of Warsaw, in Kosciusko county, under the same rights and restrictions conferred by this act, and the charter to which this is an amendment for the road from Logansport to Rochester.

Sec. 9. This act shall be in force from and after its passage, and all laws conflicting with it are hereby repealed.

CHAPTER CXX.

An Act to locate a State Road in the counties of Howard and Miami.

[APPROVED JANUARY 2, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John W. Jackson, of the county of Howard, and Matthew Fenimore, of the county of Miami, be, and they are hereby appointed Commissioners to view, mark, and locate a State road commencing where the Kokomo and Wabashtown State road leaves the county line between the counties of Howard and Miami, thence west on and along the said county line, or as near as may be practicable, to the present location of the Peru and Indianapolis Railroad.

Sec. 2. Said Commissioners may meet on any day agreed upon by them, and, after having been duly sworn, proceed to survey, mark, and locate said road. Said Commissioners may employ a surveyor, if by them deemed necessary, and the necessary chainmen and markers.

Sec. 3. The said Commissioners shall make out two reports of their proceedings, one of which to be returned to the county auditor of Howard county, and the other to the county auditor of Miami county.

Sec. 4. From the time such return shall be received by the respective county auditors, and recorded in the proper book, said road shall be deemed a public highway, and the expense of said survey and location shall be borne by the counties of Howard and Miami equally.

CHAPTER CXXI.

An act to vacate the alleys of the town of Cumberland.

[APPROVED JANUARY 2, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the alleys on the original plat of the town of Cumberland, Marion county, and all the alleys on any or all of the additions to said town be and the same are hereby vacated.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXII.

An act for the releif of Henry Berst and Titus G. Berst.

[APPROVED JANUARY 2, 1850.]

WHEREAS, It is represented to this General Assembly, that the said Henry Berst and Titus G. Berst, citizens of Kosciusko county, did, in the month of November last, purchase of John Pi-ash-wa and Mary Ann Pi-ash-wa his wife, formerly Mary Ann Benack, Indians residing in said county, and patentees from the General Government of considerable land lying in said county, ninety-three acres and eighty-eight hundredths of land off of the west side of the east half of section 18, township 33 north, of range 6 east, and paid them therefor the sum of nine hundred and forty dollars consideration money, and afterwards on the 22d day of November, 1849, received from them a common warranty deed of conveyance therefor, under the impression and belief that said Indians had full power and authority to sell and convey their lands as other persons;

AND WHEREAS, The said John Pi-ash-wa being an Indian of the Miami tribe, doubts are entertained whether under the laws of this State Indians of said tribe can sell and convey their lands by common deed of bargain and sale; THEREFORE,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said deed of conveyance from the said John Pi-ash-wa and Mary Ann Pi-ash-wa, dated as aforesaid, for the land above in the preamble to this act described, be, and the same is hereby declared to be a legal conveyance of the land therein described and set forth, and that the same shall pass and convey all the title and interest of the said John and Mary Ann in and to the same, and shall vest said title in the said Henry Berst and Titus G. Berst, as fully to all intents and purposes as though said sale and conveyance had been made by white persons, capable of selling and conveying lands in this State.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CXXIII.

An act for the relief of William Sloan and Richard Sloan.

[APPROVED JANUARY 2, 1850]

WHEREAS, It is represented to this General Assembly that the said William Sloan and Richard Sloan, citizens of Kosciusko county, did, in the month of September, 1848, purchase of John Pi-ash wa and Mary Ann Pi-ash-wa his wife, formerly Mary Ann Benack, Indians residing in said county, and patentees from the General Government of considerable land lying in said county, one hundred acres of land off of the east end of the north-east quarter of section 18, township 33 north, of range 6 east, and paid them therefor the sum of nine hundred and fifty dollars, and afterwards on the 20th day of September, 1849, received from them a common warranty deed of conveyance therefor, under the impression and belief that said Indians had full power and authority to sell and convey their lands as other persons;

AND WHEREAS, The said John Pi-ash-wa being an Indian of the Miami tribe, doubts are entertained whether under the laws of this State, Indians of said tribe can sell and convey their lands by common deed of bargain and sale; THEREFORE,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said deed of conveyance from the said John Pi-ash-wa and Mary Ann Pi-ash-wa, dated September 20th, 1849, for the land above in the preamble to this act described, be, and the same is hereby declared to be, a legal conveyance of the land therein described and set forth, and that the same shall pass and convey all the title and interest of the said John and Mary Ann in and to the same, and shall vest said title in the said William Sloan and Richard Sloan as fully to all intents and purposes, as though said sale and conveyance had been made by white persons, capable of selling and conveying lands in this State.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXXIV.

An Act to amend an act entitled "an act for the relief of the Liberty and Brownsville Turnpike Company, approved February the 12, 1848, and the Liberty and Abington Turnpike Company, approved January 15, 1844.

[APPROVED, JANUARY 11, 1850.]

WHEREAS, For the purpose of continuing the succession of said Liberty and Brownsville Turnpike Company as a corporate body, at present organized, and to legalize, confirm, and ratify the acts and proceedings of said turnpike company, done by them in the organization thereof, and in the construction of the road therein named;

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the aforesaid Liberty and Brownsville Turnpike Company be, and it is hereby declared to be duly organized, and that all acts and proceedings of said company, heretofore done and executed, or agreed to be done and performed by said company, to any person or persons, in behalf of, or for the benefit of said company, are declared to be valid and binding in law on said company, and all persons thereto promising, agreeing to, or having executed the same for said company, and that all contracts heretofore made by, for, or with said company, by any person or persons are declared to be binding, and of full force in law against each and every person or persons who have made or entered into contracts with said company, or any person or persons for the benefit of said company: *Provided*, That the said contracts were executed or entered into by the parties thereto in good faith, and were within the powers, or intended powers of said company, and for the benefit of the same, and not in violation of any of the laws of this State.

Sec. 2. That the said companies each shall have full power, by their directors, (if they deem it expedient,) to levy a tax on their stockholders, not exceeding twenty per cent. on the amount of stock by them held, respectively, for the purpose of paying the debts of said companies; and, on the collection of said tax, to either issue stock to each stockholder, respectively, to the amount of his or her tax, as aforesaid, or to order the same to be paid out of the first proceeds of toll collected on said road, at the discretion of the board of directors, aforesaid.

Sec. 3. This act to take effect and be in force from and after its passage, and publication in the State Sentinel, said publication being made at the expense of said companies.

CHAPTER CXXV.

An Act to incorporate the Jasper County Plank Road Company.

[APPROVED, JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John W. Wright, Cyrus Taber, William Chace, and William L. Brown, of the county of Cass, and Thomas C. Downey, of the county of White, and Robert Parker and John D. Work, of the county of Jasper, and their successors in office, duly elected, as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the President and Directors of the Jasper County Plank Road Company, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any of the courts of justice whatsoever, and to make and use a common seal, and the same to alter at pleasure, and shall be able and capable in law to make contracts, and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said corporation shall be fifty thousand dollars, and, if necessary, may be increased to seventy-five thousand dollars, to be divided into shares of ten dollars each.

Sec. 3. The directors named in this act, or a majarity of them, may meet at such time and place as they may agree upon, and organize said corporation by electing one of their body to be President, and after such organization, any four of said board shall be a quorum.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, and all other officers and persons necessary to carry into effect the objects of this act; they shall keep a journal of all their proceeding, in which shall be entered all the by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employ, which journal shall be read from time to time by the board, and if found correct shall be signed by the President; they may sit on their own adjournment, or on the call of the President; when the President is absent they may appoint a President *pro tempore;* they shall fill all vacancies that may happen in their body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and place, or places, as they may choose, and due notice thereof shall be given; in each of which books the following entry shall be made: We, the undersigned, promise to pay the sum of ten dollars for each share of stock

set opposite our names, in such manner, proportion, and at such times, as the President and directors of said corporation may direct.

Sec. 6. It shall be lawful for all persons of lawful age, and the county boards of the counties of Cass, White, Pulaski, and Jasper, to subscribe to any amount of the capital stock, and the books shall be kept open for such space of time, and at such place, or places, as the corporation shall choose, and may be re-opened at any time; they may by agent, offer for sale in any other counties or States, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power, on their credit, to borrow money, on such terms as may be agreed on by the parties, the corporation may require such sums of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper, but such requisition shall be made known by being inserted in the notice for opening the books, and any further payment on the stock shall be under the control of the corporation.

Sec. 7. As soon as four hundred shares are subscribed, and the amount paid on each share, as determinid by the corporation, as provided in the preceding section, it shall be the duty of the corporation to give three weeks notice in one of the newspapers published in, and having general circulation in the said counties of Cass, White, Pulaski, and Jasper, and in such notice, appoint a time and place for the stockholders to meet and elect ten directors, who shall be stockholders and citizens of the said counties, which election shall be held within three months after the time of paying the first instalment, and shall be conducted by two judges, appointed by the stockholders present, and the person having the plurality of the votes given and counted in the public meeting, shall be declared duly elected; in all elections, each share, the instalment on which shall have been duly paid when required, shall entitle the holder to one vote, and votes may be given by persons holding the same, or by any authorized agent.

Sec. 8. It shall be the duty of the directors elected as above, and all those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be President, the President and directors thus elected, shall continue in office until their successors are elected and qualified.

Sec. 9. All elections, after the first, shall be held on the first Monday in October, annually, under the direction of three stockholders, who are not directors at the time, to be appointed by the stockholders present, of which election due notice shall be given: *Provided*, That if from any cause, whatever, there shall be no election held on the day appointed by this act, or by the directors, for the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to stockholders, which shall be evidence of stock held. It shall be signed by the president and countersigned by the clerk. The stock shall be trans-

ferable on the books of the corporation only, or by an agent or attorney, or by an executor, or administrator, or guardian; but such stock shall at all times be holden by the corporation for any dues from the holder thereof to the corporation, or for any sum that hereafter may become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty per centum of the amount of stock, every three months, as they may think proper, to be paid at such time and place as they may designate, by giving thirty days' notice in one or more of the newspapers having general circulation in said counties of Cass, White, Pulaski, and Jasper, or by giving written notice to the stockholders. In such notice the amount of such share demanded and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with two per centum interest per month thereon for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare said stock forfeited to the corporation, with whatever amount may have been paid thereon; and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors or receive any dividend on his, her, or their, stock, until the corporation shall be fully paid and satisfied.

Sec. 12. The corporation shall have full power to require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper for the faithful performance of their respective duties.

Sec. 13. The corporation shall have full powers to survey, mark, and locate, a plank road, commencing at the town of Logansport in the county of Cass, thence to some point on the Tippecanoe river at or near the town of West Bedford in the county of White, thence to the town of Rensselaer in the county of Jasper, with full powers to diverge from a straight line whenever more favorable ground can be had from the first to the last of the above mentioned points, or the interest of the company may require.

Sec. 14. It shall be lawful for the corporation, either before or after the location of any section of the said road, to obtain from any person or persons through whose lands the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of said road, also such materials as may be obtained on said route for the construction of said road.

Sec. 15. That in all cases where any person through whose land the road may run shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty may occur, that such facts do exist, and

such justice shall thereon summon the owner of such land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested freeholders of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or other materials, and, after taking into consideration the advantages as well as the disadvantages the road may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown. That in case either party shall show sufficient cause why judgment shall not be entered, the justice may grant a review of the premises, either with or without cost: *Provided*, That either party may at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the said court shall be final.

Sec. 16. That if it shall be found expedient or advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided, however*, That before such location shall be made the corporation shall make application to the county commissioners of the proper county for such right, and said commissioners are hereby vested with power to grant the same by an order entered on their records.

Sec. 17. That when said corporation shall have procured said right of way, as hereinbefore provided, they shall be seized in full right of said land, and shall have the sole use and occupancy of the same, and no person, body politic or corporate, shall in any way interfere with, molest, disturb, or injure, any of the rights or privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

Sec. 18. The corporation shall commence the construction of said road at any time within five years from the date of this act, and may, from time to time, construct such portions of said road as may be within their ability, and to the interest of the corporation.

Sec. 19. It shall be lawful for said corporation to erect gates at suitable distances apart, and demand and receive from all persons traveling said road (footmen excepted) the tolls allowed and fixed by said corporation: *Provided*, That the corporation may at any time alter, amend, or change the rate of tolls: *Provided, however*, That the tolls shall never be raised higher than an average of tolls charged on roads of a similar character in this State; and it shall be the duty of the corporation when the rate of tolls shall be determined, to post the same up in some conspicuous place at each place of receiving tolls on said road.

Sec. 20. That if any person or persons using said road shall, with intent to defraud said company or evade the payment of tolls,

pass through the gate or bar erected on said road according to the provisions of this act, or shall practice any fraudulent means with intent to lessen the payment of tolls, or shall travel on said road between such gates more than one mile in distance and not report the same to the proper person authorized to receive such tolls and pay the same, shall for every such offence forfeit and pay to the corporation the sum of five dollars, to be recovered with cost of suit, in any action of debt at the suit of the corporation, before any justice of the peace of the county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises for common or ordinary business.

Sec. 21. The corporation shall make dividends of so much of the profits and at such times as the oorporation may deem proper, and pay the the same to the several stockholders as soon thereafter as they conveniently can.

Sec. 22. That if any person or persons shall wilfully and knowingly injure or obstruct said road, or any part thereof, or shall break, destroy, or injure, any gate, bar, or toll house, or any other property belonging thereto, such person or persons so offending shall pay the corporation three times the amount of damages actually done, with cost of suit, to be recovered by the corporation before any court having competent jurisdiction: *Provided however*, That all actions commenced by the corporation or against the same for damages, shall be commenced within six months from the time such cause of action accrued and not after.

Sec. 23. It shall be the duty of the corporation to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders at every annual election or at any general meeting of the same.

Sec. 24. Any number of stockholders holding one-third of the stock may call a general meeting of the stockholders by giving four weeks' notice in one or more of the newspapers having general circulation in the above mentioned counties of Cass, White, Pulaski and Jasper, and specifying in such notice the object of such call, and a majority of the stock being represented, they may make such order in relation to the concerns of the company as a majority may determine.

Sec. 25. Should the capital stock herein granted be insufficient to accomplish the intended work, the company may in any case increase the same.

Sec. 26. That when the road is located it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the auditor of each of the counties through which the said road shall pass, and from and after that time it shall not be lawful for said corporation to alter or change any part of said road without first obtaining the consent of the county board in which such change is proposed.

Sec. 27. That if after the completion of said road it shall be suffered to go to decay, or be impassible for six months, unless when the same is repairing, this charter shall be taken and considered as forfeited.

Sec. 28. The corporation shall cause said road to be opened not exceeding one hundred feet wide; and at least twenty feet shall be made an artificial road, except upon such points as may be upon a good natural road already in use, and said road be covered with gravel, sand, wood, or stone, or such other material as can best be secured, to be put on in as compact a manner as is usual for such materials.

Sec. 29. The president and directors of the company shall be liable in their individual capacity for all debts contracted in the prosecution of said work above the amount of solvent stock secured to the company; and the Legislature reserves the right to alter, amend, or repeal, this charter whenever they shall deem the same necessary.

Sec. 30. This act shall be in force from and after its passage, and shall be taken to be a public act.

CHAPTER CXXVI.

An act in relation to public roads and highways in Bartholomew county.

[APPROVED JANUARY 2, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all roads and highways in Bartholomew county as now used and known, but of which the record is imperfect, be and the same are hereby legalized as fully as if the records thereof were legal and perfect.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXXVII.

An act for the relief of William Nothern.

[APPROVED JANUARY 14, 1850.]

WHEREAS, It is represented to the General Assembly that a fine of forty-eight dollars was assessed against William Nothern by the Dearborn Circuit Court, and afterwards remitted by Gov. Dunning of the State of Indiana;

AND WHEREAS, It is further represented that during the pendency of the application of said Nothern for the remission of said fine he was compelled to pay the same, and that the same has been paid to the treasurer of the Dearborn county seminary; THEREFORE,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of the Dearborn county seminary, upon due proof that said fine has been paid into the hands of said treasurer, and that it has been remitted, shall make an order upon said treasurer to pay and refund the same to said Nothern out of any moneys that may be or shall come into his hands.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXXVIII.

An act for the benefit of the Clark County Central Plank Road Company.

[APPROVED JANUARY 2, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of section 13, of an act entitled "an act authorizing the construction of plank roads," approved January 15th, 1849, as declares the rate and amount of tolls to be charged upon roads made under the provisions of said act be and the same is hereby repealed so far as it relates to the "Clark County Central Plank Road Company."

Sec. 2. The board of directors of said company shall have full power to regulate the tolls to be charged upon the plank road constructed or to be constructed by them between Charlestown and Jeffersonville in Clark county, at such rates as they may think expedient.

Sec. 3. The board of directors of said company, or any agent by them duly authorized, shall have power to negociate any loan or

loans, not exceeding in amount one-third of the amount of stock subscribed to said company, that may be by said company deemed expedient for carrying out any or all the objects contemplated by the organization of said company under an act to which this is an amendment; and for the payment of such loans agreeably to the terms agreed on, said company shall bind themselves by their bonds, which when signed by the president and attested by the secretary, and duly ordered to be issued by said board of directors, shall be a valid lien on all the stock and effects of said company, both real and personal, in the order of their issue; and all such effects of said company shall be deemed and taken as pledged for the punctual payment of the interest of said bonds and the ultimate redemption of the principal.

Sec. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CXXIX.

An act to authorize William McDowell, of the county of Adams, to erect a mill dam across the Wabash river in said county of Adams.

[APPROVED JANUARY 2, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William McDowell, of the county of Adams, be and he is hereby authorized to erect and keep up a mill dam across the Wabash river in Hartford township, in said county of Adams, not to exceed six feet in height, with suitable slope or lock so as not to interrupt the navigation of said river, when the river is in a proper stage for the same.

Sec. 2. This act to be in force from and after its publication.

CHAPTER CXXX.

An Act to incorporate the Spring Creek and Tippecanoe Bridge Company.

[APPROVED JANUARY 19, 1850.]

WHEREAS, Archibald Bryson, James Gay, Levi D. Osborn, William M. Spears, Gardner Mudge, Isaac K. Eldridge, William H. Shaw, Joseph Sayers, and sundry other persons, citizens of Carroll and White counties, in the State of Indiana, having heretofore, to-wit, in August 13th, 1849, entered into an association, as set forth in the following words, to-wit: "We, the undersigned, for the purpose of erecting a toll bridge across the Tippecanoe river, at or near the spring creek ford in Carroll county, State of Indiana, do agree to pay to whomsoever may be hereafter authorized to receive the same, twenty-five dollars for each share of the capital stock subscribed by us, the one-half to be paid when the timber is on the ground for the building of said bridge, and the balance when the work shall have been completed, it being understood that when the payment shall have been made, certificates of stock to the amount of the subscription shall be issued to each subscriber;"

AND WHEREAS, The subscribers to said article of association, to-wit, on the 25th of August, 1849, assembled on the bank of Tippecanoe river, near the ford, according to a previous notice given, and then and there organized themseves by electing Archibald Bryson, James Gay, Cullen W. Colton, Isaac K. Eldridge, and Levi D. Osborn, directors of said company;

AND WHEREAS, Said trustees or directors, after giving proper notice, did proceed to put under contract said bridge in the usual manner of letting such contracts; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said James Gay, Archibald Bryson, Cullen W. Colton, Isaac K. Eldridge, and Levi D. Osborn, as directors of said association, and their successors in office, be and they are hereby constituted a body politic and corporate, under the name and style of "Spring Creek and Tippecanoe Bridge Company;" in that name, by their president and directors, may contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and be prosecuted, unto final judgment and execution, in all courts having competent jurisdiction; and all their acts and proceedings heretofore done are hereby legalized, and they are hereby invested with all the power and privileges to carry into effect the provisions of this act.

Sec. 2. The capital stock of said company shall consist of five thousand dollars, divided into shares of twenty-five dollars each, and said stock shall be personal property, and transferable on the

books of said company, by the owner, his legal agent, executors, or administrators.

Sec. 3. Said company shall have power to adopt such rules and regulations, and make such by-laws, as, in their judgment, the business and affairs of the company may require: *Provided*, They be not contrary to the laws of the State; they shall have power to enforce the payment of all stock which has been or shall be subscribed, at such times and in such proportions as shall have or may be agreed upon, which payment may be enforced by a forfeiture of the stock to the company, or by suit with damages at six per centum, collectable without relief from valuation or appraisement laws; to issue certificates of stock to stockholders; to acquire, sell, and dispose of such real estate as shall be for the interest of said company; to enter upon and take possession of all lands necessary for the location of said bridge, being accountable to the owners for the reasonable value thereof; to keep said bridge in repair; to erect and continue to keep a toll-gate on the same; to establish, charge, and collect tolls off of all persons using the same, except persons going to and from funerals; and to make and declare dividends of profits to the stockholders.

Sec. 4. Said company shall have power and privilege of erecting a bridge across the Tippecanoe river at the place above specified; shall have power to take relinquishments of the right of way over and through any person's land where it may be necessary to construct a road to said bridge, or put a house for toll thereon, or for the purpose of placing such abutments of said bridge, which consent of relinquishment, being reduced to writing by such party relinquishing, it shall be conclusive evidence of the same.

Sec. 5. Plain and accurate accounts of the receipts and expenditures of said company, specifying clearly the value of each share, shall be kept by the president and directors of said company, and shall at all times be open to the inspection of the stockholders.

Sec. 6. The signature of the president of said company shall be deemed full evidence and authentication of any act of the company.

Sec. 7. The persons named in the first section of this act, on the reception and acceptance thereof, shall thereby be authorized to hold meetings of their association, and make such arrangements as they may think proper, to carry into effect the provisions of this act: *Provided, however*, That if no action on their part is taken to commence the work before one year shall have expired from the passage of this act, then this act to be null and void.

Sec. 8. If at any time said bridge shall be in such condition as to be difficult or dangerous to pass, then said company shall not charge and receive tolls for the use of the same until it is repaired.

Sec. 9. If any person shall injure or obstruct said bridge or any thing belonging thereto, or shall mark, scratch, or deface any part of said bridge, such person or persons, on conviction thereof by any court having jurisdiction thereof, shall forfeit and pay for the

use of said company twice the amount of damage done, and costs of suit.

Sec. 10. There shall be an election of directors annually on the 2d Monday in October, at such time and place as the directors shall designate, which shall be conducted by three judges, appointed by the stockholders aforesaid, or a majority of them, and the persons having a majority of all the votes given shall be declared duly elected. In all elections each share shall entitle the holder thereof to vote, either in person or by proxy, according to the following scale, to-wit: for each share not exceeding five shares, one vote; for every two shores above five shares, one vote.

Sec. 11. If any person shall pass the gate with intent to defraud said company, without having paid the legal toll, he shall forfeit and pay to said company eight times the legal toll, to be recovered by action of debt, before any justice of the peace in said county.

Sec. 12. The board doing county business in and for the county of Carroll, is hereby authorized, from time to time, to fix and regulate the rate of tolls for said company. And the legislature reserves the right to alter, amend, or repeal this charter, whenever the public good may require.

Sec. 13. This act to be in force from and after its passage.

CHAPTER CXXXI.

An act to authorize the citizens of Adams county to vote for or against the re-location of the county seat of said county.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of Adams county are hereby authorized to meet at their usual places of holding elections in said county, on the first Monday in August next, and determine by a vote of the qualified voters of said county present, at what place in said county the seat of justice in and for said county shall be permanently located, by designating the name of such place voted for, on their tickets: *Provided*, That no such place shall become such county seat, unless it receives a majority of all the votes given at such election: *Provided, further*, That if no place shall receive a majority of all the votes as aforesaid, it shall be the duty of the clerk of the circuit court, (to whom it is hereby made the duty of the trustees of the several townships of said county to make returns of said election,) to notify the voters of said county, by posting up advertisements at the several election places in said county, that a

second election will be held on the second Monday of October thereafter, and the two points getting the highest number of votes shall be voted for at the said second election, and any vote cast for any other than one of said two points, shall not be counted, and the place having a majority of all the votes given, shall be the seat of justtce of Adams county.

Sec. 2. It is hereby made the duty of the several township trustees in said county to attend and receive votes at said election as above specified, which election shall be conducted as other elections are.

Sec. 3. It is hereby made the duty of the auditor of said county of Adams, to make out poll books for said election, and forward them to the trustees of the several townships, and when the poll books are returned to the clerk, he shall compare the same, and if any point shall have received a majority of all the votes given, it shall be and become the permanent county seat of said county of Adams.

Sec. 4. It shall be the duty of the board doing county business in and for said county of Adams, to proceed as soon as practicable after the re-location, (in case the county seat should be removed from the town of Decatur,) to cause the necessary public buildings to be erected at the new county seat, and so soon as the same shall be completed, the proper officers of said county shall remove their offices to said new county seat, and from that time the courts of said county shall be held at said new county seat.

Sec. 5. This act to be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a copy of this act to the auditor of said county forthwith; and it is made the duty of said auditor to cause this act to be published in one or more newspapers of general circulation in said county, the expenses whereof shall be paid by the said county of Adams.

CHAPTER CXXXII.

An act granting the right of way through the county of Vermillion to the Danville and Georgetown Plank Road Company.

(APPROVED DECEMBER 28, 1849.)

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said corporation, by their agents, shall have full power, from time to time, to examine, survey, mark, and locate the route of said plank roads, commencing at the town of Perrysville, in the county of Vermillion, Indiana, and running on the best ground for the interests of the company, and convenience of the public,

to the state line, in the direction of the town of Danville, and also in the direction of the town of Georgetown, in the State of Illinois, with full power, in all cases, to diverge from a direct line, when more favorable ground can be had for the construction of said road, the same not to exceed eighty feet in width.

Sec. 2. And for the purpose of making such examination and location, it shall be lawful for said corporation, by their agents and persons in their employ, to enter upon and to take from said lands any stone, gravel, timber, or other materials necessary to construct said road, and the bridges thereon; the said company may, if they deem it proper to locate said road upon any state or county road, or other public highway which they may choose to occupy, and appropriate for the purpose, with the consent of the board of county commissioners of the county of Vermillion, which consent said board are hereby authorized to give. Said company may take releases and conveyances of the necessary lands of any and all persons over whose lands the road may be located, and any such release or conveyance may be executed by any infant, femme covert, guardian, executor, or administrator, and being so executed, shall be valid and effectual in law, and vest in said company a full and complete title in fee simple to the land so conveyed or released.

Sec. 3. Tais act to take effect and be in force from and after its passage.

CHAPTER CXXXIII.

An act to incorporate the "Independent Relief Fire Company," No. 1.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph Little, James McCready, James Kittleman, and their associates, members of the Independent Relief Fire Company, No. 1, at Indianapolis, Indiana, and their regular successors be, and they are hereby created, a body politic and corporate, by the name and style of "The Independent Relief Fire Company, No. 1," for the purpose of protecting their fellow-citizens against loss by fire, and by that name shall be competent to contract and be contracted with, to sue and be sued, to plead and be impleaded, defend and be defended, in all courts and places, and in all matters whatever, with full power and lawful authority to acquire, hold, use, occupy, and enjoy by purchase, gift, grant, or devise, and the same to sell, convey, or improve, rent or lease all the real estate they may become possessed of, in value not exceeding ten thousand dollars, as also all personal property, fixtures, and money, of which they may become possessed, for the carrying out the object of their organization; and to make, have, and use a common seal, and the same to alter, break, and renew at pleasure, and to appoint such officers as they may deem necessary, to prescribe their general duties, and require such security of them as they may deem proper to secure their faithful performance, and to remove them at pleasure; to make, ordain, and put in execution such by-laws, rules, and regulations as shall be necessary for the good government of its concerns, not repugnant to the constitution and laws of the State: *Provided*, That in no case shall one member be allowed more than one vote on any question that may arise: *Provided, also*, That upon a repeal of this act, or the dissolution of the corporation, the property held by said corporation at the time of such dissolution, may be disposed, sold, and conveyed in such manner as a majority of the corporation shall direct.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXXXIV.

An act to amend an act entitled "an act granting to the citizens of the town of Aurora, in the county of Dearborn, a city charter," approved February 14, 1848.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act of the General Assembly of the State of Indiana entitled "an act granting to the citizens of the town of Aurora, in the county of Dearborn, a city charter," approved February 14, 1848, shall be deemed and taken to be a public act, and the same is hereby declared a public act, for all purposes whatever contemplated by the provisions thereof.

Sec. 2. That the word "payment," where the same occurs in the fifth line of the nineteenth section of said act, to which this act is an amendment, is hereby declared a misprint, and that the word "purpose" be substituted for the said word "payment" when the same occurs as aforesaid in said act.

Sec. 3. That the office of collector be, and the same is hereby abolished from and after the first day of April, 1850, and all the duties required of said collector shall, after that date, be performed by the treasurer of said city, and said treasurer shall do and perform all the services required and set forth in said charter, appertaining to the office and officer of collector.

Sec. 4. That the election provided for in said charter shall hereafter be held at the council hall, or other public place that the city council may designate; and said city council shall appoint a judge and inspector of said election, and that part of said charter requiring a poll to be opened in each ward, is hereby repealed.

Sec. 5. That the city council of said city of Aurora shall have the right to levy and assess a tax upon the out lots or property fronting on the highway or road that commences at the south-west corner of inlot No. 250, and runs west to the east end of the Aurora and Laughery Turnpike, at the south-east corner of out-lot No. 20, for the purpose of grading and macadamizing said road, and to refund to said city of Aurora the amount already advanced by said city council towards the present contract for the grading and macadamizing said road, said tax to be assessed per front foot on each side of said road; and said city council shall have the right to assess on said property a sum sufficient each year to keep said road in repair. And said city council shall have the right, if they find it necessary, to require said road to be graded thirty feet wide and mettled twenty-four feet.

Sec. 6. And said amount so assessed and levied, shall be a lien on said out-lots fronting on said road aforesaid, and in the event of neglect or failure on the part of the owners to pay said tax, then the same shall be collected in the same manner as is provided for and authorized in section 47 of said charter, and all the powers granted in said section 47 to the city council over the streets in said city of Aurora, are hereby extended to and over the road above designated, except that no petition shall be necessary.

Sec. 7. This act shall take effect and be in force from and after its passage, and shall be deemed and taken to be a public act.

CHAPTER CXXXV.

An act to exempt from the payment of State and county tax the Olive Branch Church in Jefferson county.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That five acres of ground held and owned by the Olive Branch Church in Jefferson county, and by said church used for a parsonage appendant to the church building, be, and the same is hereby exempted from State and county tax.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXXVI.

An act to locate a State road in the counties of Miami and Wabash.

[APPROVED JANUARY 16, 1850.]

Rection 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jacob Q. Elliot, of Wabash county, be, and he is hereby appointed a commissioner to view, mark, and locate a State road commencing at the Osage village, where the Peru and Marion State road crosses the Mississinewa river, and thence to run on the nearest and best ground to the termination of the Cold Spring road, on or near the county line between said counties.

Sec. 2. Said comissioner shall procure a surveyor, chain carriers, and other necessary assistants, and shall proceed to view, survey, mark, and locate said road, and make return of the same as provided by law, on or before the first day of December, 1850, and shall be governed in all things by the general laws of this State concerning the location of State roads.

Sec. 3. *Be it further enacted*, That the said Cold Spring road, from the said county line between said counties to the town of Wabash, be, and the same is hereby declared to be a State road.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXXXVII.

An act to incorporate the Tippecanoe Horse-thief Detecting Company.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Levi D. Osborn, James Gay, Joseph Garrett, Thomas Sleeth, Moses S. Barr, Joseph Broadwil, and Isaac K. Eldridge, of the counties of White and Tippecanoe, and their successors in office, be and the same are hereby constituted a body corporate by the name and style of the "Tippecanoe Horse-thief Detecting Company," and are hereby made capable during the continuance of this act, to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered unto in any court of justice in this State or elsewhere, and may have and use a common seal and alter the same at pleasure.

Sec. 2. That said corporation may appoint or elect all such offi-

cers as they may deem necessary for their organization, who shall severally hold their offices and perform the duties that may be required of them by the constitution and by-laws, which the said corporation may adopt, either with or without compensation, as said corporation may direct.

Sec. 3. A majority of said corporation shall have power to adopt a constitution and by-laws for their government, and inflict such penalties as may be necessary to carry the same into effect and enforce the same, which constitution and by-laws shall not be inconsistent with the constitution and laws of this State and of the United States.

Sec. 4. Such number of members of said corporation as they shall designate shall form a quorum to transact all kinds of business, and sit on their own adjournments, or at the call of the president or other offices, such president or other officers shall be compelled to call meetings of said company, under such regulations as the said corporation may adopt.

Sec. 5. Said corporation may at any time add to their members to the number of three hundred men, and may expel members in such manner and for such cause as they may prescribe in their by-laws or constitution; and may receive donations in property or money, to be applied to the purposes of their organization, and may assess such taxes and impose such fines upon their members as shall be prescribed in their by-laws, or as a majority of the members of said company at any meeting may deem proper.

Sec. 6. Said corporation, or any members thereof, shall have power to call to their aid the peace officers of this State, in accordance with law, in the apprehension of all felons, and in reclaiming stolen property and restoring it to the proper owners thereof, and each and every member of said corporation when engaged in arresting, detaining, and procuring the conviction of all horse-theives and other offenders against the criminal laws of this State, shall have concurrent jurisdiction with, and be governed in the same manner and in every respect and be entitled to all the rights and privileges of constables in this State.

Sec. 7. Each and every member of said corporation shall, before he is entitled to the privileges of this act, obtain and receive a certificate of his membership of said company, signed by the president and other officers of said corporation.

Sec. 8. This act shall be in force from and after its passage, and may be amended, altered, or repealed, at the pleasure of the legislature.

CHAPTER CXXXVIII.

An act to incorporate the Evangelical Lutheran St. John's Church in Dearborn county

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Frederick Brinkerman, William Schuttee, Henry Borman, and their successors in office, are hereby constituted a body politic or corporate, and shall be known by the name and style of the "Trustees of the Evangelical Lutheran St. John's Church," and by said corporate name may sue and be sued, plead and be impleaded, in any all courts in this State, and by that name have perpetual succession, and be capable of purchasing, holding, bargaining, and selling any property, either real or personal, for the use and benefit of said church, both by legal and equitable title, not to exceed in value ten thousand dollars.

Sec. 2. The said trustees and their successors in office shall be empowered to receive any and all subscriptions, gifts, grants, donations, and bequests, which shall be applied solely to the uses and benefit of such church in the manner the trustees thereof muy deem most proper and expedient.

Sec. 3. It shall be lawful for such trustees to hold meetings at such places, and at such time as it may be deemed necessary, and their business may require; sit on their own adjournments, or the call of the proper officers, or a majority of such trustees; and to elect and appoint their officers, and establish such rules and by-laws from time to time as a majority may determine: *Provided, however*, That such rules and by-laws shall not be inconsistent with the laws or constitution of this State or of the United States.

Sec. 4. It shall be lawful for the members of the Evangelical Lutheran St. John's Church, to perpetuate the board of trustees hereby appointed by annual appointment, or by any other mode they may deem proper. They may also increase the number of said board when the same may be deemed necessary, and fill all vacancies that may at any time occur therein.

Sec. 5. It shall be the duty of said board to keep a record of their proceedings, which shall at all times be open to the inspection of all persons concerned.

Sec. 6. This act to take effect and be in force from and after its passage.

CHAPTER CXXXIX.

An act to amend the city charter of the city of Madison, approved February 14, 1848.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where the owners of property bordering on any side-walk in the city of Madison, or any section thereof, shall be desirous of improving the same as contemplated in the 43d section of the act to which this is an amendment, or for setting shade trees along the same, the common council may cause the same to be done under the provisions of said act, on the application of the owners of five-eighths of the property, their agents or attorneys, on one side of the street, bordering on side-walk; and the words "on both sides thereof," and "each side," and "both sides" where they occur in the said 43d section, shall apply to streets and not to side-walks.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CXL.

An act to incorporate "the Goodwin Female Institute of Lafayette."

[APPROVED, JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Huldah Ann Goodwin, of Lafayette, and her successors in office, be and they are hereby constituted a body politic and corporate, by the name and style of "the Goodwin Female Institute," and by that name, shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in any of the courts of this State.

Sec. 2. Said corporation shall have power to establish at or near the city of Lafayette, aforesaid, an institution of education for females, to appoint a secretary and treasurer, and all other officers, which are or may be necessary and proper to carry into effect the object of said institution, to adopt such rules, regulations, and by-laws, not inconsistent with the laws and constitution of this State, as may be deemed necessary, to establish the institution aforesaid, for the instruction of the students thereof, in any branch of polite, liberal, scientific, or professional learning, to determrne the course of studies therein, and to alter the same at pleasure.

Sec. 3. Said Huldah Ann Goodwin, or her successors in office, shall be principal of the institnte, and shall have power to appoint, from time to time, professors and tutors in any or all of the departments thereof, which principal, professor, and tutor, shall be known as "the Faculty of the Goodwin Institute," and as such, shall have power to conduct the inspection and government of the institution, subject to the rules and regulations that may, from time to time, be established; to confer all such "degrees," in liberal sciences and arts, as are ordinarily conferred by other colleges and seminaries in the United States, and to give diplomas or certificates of the same, subscribed by the members of the faculty, and authenticated by the common seal of the institution; *Provided, however*, That no such degrees shall be conferred upon any person, who shall not have made such attainments in learning as are required by other colleges and universities.

Sec. 4. Said corporation may make and use a common seal, and alter the same at pleasure; and may, in said corporate name, purchase, receive by donation, sell, lease, or dispose of, and manage any lands, tenements or hereditaments, not exceeding at any one time, the amount of fifty thousand dollars; also, any moneys, bonds, notes, subscriptions, goods, chattels, or other property, as may be deemed proper and right.

Sec. 5. Said Huldah Ann Goodwin, or any of her successors, may at any time after the passage of this act, appoint a successor, or successors, by instrument in writing, acknowledged before any justice of the peace, or notary public in this State, which appointment shall be recorded in the recorder's office, of the county of Tippecanoe, within sixty days from the date thereof, and when so made and recorded, shall vest in such successor or successors, all the powers, privileges, and immunities, which by this act are conferred on the said Huldah Ann Goodwin.

Sec. 6. Nothing in the foregoing act shall be so construed as to exempt from taxation, any property, real or personal, belonging to said corporation. This act shall be a public act and shall be liberally construed, for all beneficial purposes.

Sec. 7. This act shall be in force from and after its passage and publication.

CHAPTER CXLI.

An act to amend the Charter of the City of Evansville.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the common council of the city of Evansville, may, at any time hereafter, at their discretion, by a by-law or an order entered upon the record of their proceedings, order the election of a recorder of said city, who shall be a judicial officer and a conservator of the peace, and shall also discharge all such executive duties as may be required by the ordinances of said city, not inconsistent with the constitution and laws of this State.

Sec. 2. The recorder, when elected as aforesaid and qualified as hereinafter provided, shall possess all the powers and jurisdiction of a justice of the peace, of the county of Vanderburgh, and in addition thereto, he shall possess and discharge all the judicial powers, jurisdiction, duties, and functions of the mayor of said city, concurrently with the mayor.

Sec. 3. The recorder shall be sworn and give bond as the mayor, is required to do and subject to the same liabilities, and he shall hold his office for three years and until his successor is elected and qualified.

Sec. 4. This shall be deemed a public act and shall be in force from and after its passage.

CHAPTER CXLII.

An act to change the name of Emanuel Pidcock.

[APPROVED JANUARY 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Emanuel Pidcock be, and the same is hereby changed to that of Emanuel Pid.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXLIII.

An Act for the relief of Catharine Schnell and Dorothy Debler (wife of Louis Debler) of Vanderburgh county.

[APPROVED JANUARY 15, 1850.]

WHEREAS, John Schnell, late of Vanderburgh county, who was at the time of his death a naturalized citizen of the United States, died intestate, seized in fee of the north-east quarter of the north-west quarter of section number ten, in township number six south, of range number twelve west, in Posey county, Indiana, leaving no kindred residing in the United States at the time of his death: AND WHEREAS, Catharine Schnell, the mother of the said John and Dorothy Debler, his sister, have, since the death of the said John, emigrated from Germany to the United States, and are now *bona fide* residents of Vanderburgh county, in this State: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the estate and interest which the said John Schnell had or held in said tract of land at the time of his death, shall be deemed and taken to have descended to and vested in the said Catharine Schnell and Dorothy Debler to the same extent, in like manner and in the like proportions as if the said Catharine and Dorothy had been *bona fide* residents of this State at the time of the death of the said John Schnell; and the disability of the said Catharine and Dorothy to take, hold, and dispose of said tract of land as the the heirs of the said John, by reason of their being non-resident aliens at the time of the death of the said John, is hereby removed.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXLIV.

An Act relating to the Sullivan County Library.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Board of County Commissioners of the county of Sullivan shall, at their next, or some subsequent session of said

board, appoint five suitable persons to serve as Trustees for the Sullivan County Library.

Sec. 2. Said Trustees shall serve three years; and it shall be lawful for the Board of Commissioners of said county from time to time to fill all vacancies that may occur.

Sec. 3. Said Trustees are authorized, so soon as they may organize, to settle with the County Commissioners of said county, and ascertain what amount of moneys are due from Sullivan county to said fund, arising from the sales of town lots in the towns of Merom and Sullivan.

Sec. 4. Whatever balance or amount found due on such settlement shall be audited and allowed by said board, and shall constitute a fund for the benefit of said Library, to be disposed of as now provided by law.

Sec. 5. All laws contravening any of the provisions of this act are hereby repealed.

Sec. 6. This act to be in force from and after its passage.

CHAPTER CXLV.

An Act to confirm the Angola Plank Road Company.

[APPROVED JANUARY 11, 1850.]

WHEREAS, Heretofore, to-wit: On the twenty-fourth day of February, eighteen hundred and forty-nine, Chester Stocker, Leland H. Stocker, David K. Jones, Robert Smith, Marcus F. Morse, George W. Wickwire, Stephen T. Cary, Philip B. Lobdell, William Cooper, Thomas Gale, Charles B. Salisbury, William L. Orton, Caleb Trobridge, Adams Knott, Ebenezer Johnson, Daniel Higbee, Dexter Sutton, Edward R. May, Rufus Jackson, Henry B. Darrah, William W. Squier, Jesse J. Mugg, Christopher Patterson, Francis Sowle, Wellington Cook, James Light, Adam Metzgar, and Philip G. Cramer, citizens of Steuben county, did associate themselves together as a body corporate under the laws of this State, by the name of the "Angola Plank Road Company:

AND WHEREAS, Doubts exist in the minds of some as to the strict legality of their proceeding in so associating themselves: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Chester Stocker and other persons above named, are hereby declared to be a body corporate, under the name of the

"Angola Plank Road Company," with full power to sue and be sued, implead and be impleaded, and do all and several the acts permitted to be done by the several acts under which they, the said Chester Stocker and others associated themselves, and all things heretofore done by them not inconsistent with the provisions of said acts, are hereby confirmed as done by a lawfully incorporated body, which they the said Chester Stocker and others above named are declared to be from the said 24th day of February, A. D., 1849.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXLVI.

An Act for the benefit of Lewis Chappell.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Overseers of the Poor of the township of Bethlehem, in the county of Clark be, and they are hereby authorized and empowered to employ some suitable person in said township to subsist, clothe, and take proper care of Lewis Chappell, a pauper of said township, at the lowest possible charge consistent with humanity and the comfort of the said Chappell.

Sec. 2. The employee shall make out his claim semi-annually for keeping said Chappell, accompanied with the certificate of the Overseers of the Poor of said township, and lay the same before the Board of Commissioners for said county, who are hereby required to allow said claim out of any moneys in the treasury of said county: *Provided*, That said claim be by them considered strictly within the provisions of the first section of this act.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CXLVII.

An Act to authorize Joseph A. Williams and John Morgan to erect and maintain a mill-dam across the Wabash River, at or near Bluffton, in Wells county.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph A. Williams and John Morgan, their heirs and assigns be, and they are hereby authorized to keep, maintain, and improve their dam across the Wabash river, at or near the town of Bluffton, in Wells county: *Provided, however*, Said dam shall not exceed five and one-half feet in height.

Sec. 2. The said Joseph A. Williams and John Morgan, their heirs and assigns, shall have full power and authority to prosecute a writ of *ad quod damnum* in the same manner, and with the same effect, as if they were the owners of the bed of the said Wabash river.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CXLVIII.

An act to authorize Isaac Wilcox to construct a bridge or culvert over a State road, in the county of Morgan, therein described.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Isaac Wilcox, of the county of Morgan, is hereby authorized to construct, erect, maintain, and keep in repair a bridge or culvert, as he may elect, at his own proper cost and expense, across the State road, in the county of Morgan, leading from Moorsville to Greencastle, near the section line dividing sections twenty-six and twenty-seven, where said road crosses the same, said bridge or culvert shall not exceed a span of eight feet, nor be raised more than eighteen inches above the surface of the ground, and shall not be elevated above the line of said road more than twelve inches, in ascending or descending, and shall not be less than twenty feet in width; and said Wilcox is also authorized to erect and maintain a fence on either side of said road, attached to said bridge or culvert, so as to admit his stock to pass under said bridge or culvert, but in no wise to obstruct or hinder travel on said road.

Sec. 2. This act to be in force and take effect from and after its passage.

CHAPTER CXLIX.

An Act for the relief of Cain Dockry.

[APPROVED, JANUARY 16, 1850.]

WHEREAS, It has been represented to the General Assembly of the State of Indiana, that Samuel Brown, a negro, late of Jackson county, and State aforesaid, died intestate, possessed of a small quantity of real and personal property:

AND WHEREAS, The said Samuel Brown has left no known heirs, residing within the United States, or elsewhere:

AND WHEREAS, It has been made to appear to the General Assembly that it was the purpose and intention of the said Samuel Brown, to bequeath to one Cain Dockry, a mulattoe, of said county of Jackson, all the real and personal estate of which he might die possessed; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the right, title, and interest of the State of Indiana, in and to the south-east quarter, of the north-east quarter, and the north-east quarter, of the south-east quarter, of section thirteen, in township five north, of range four east, in the county and State aforesaid, is hereby vested in the said Cain Dockry, his heirs, and assigns, forever.

Sec. 2. That the administrator of the personal estate of the said Samuel Brown, is hereby directed and required, to pay over and deliver to the said Cain Dockry all money, choses in action, and property of every description, belonging to said estate, which may remain in his hands on final settlement of said estate.

Sec. 3. That before the said Cain Dockry shall be authorized to demand or receive from the said administrator any money, choses in action, or personal property of any kind, belonging to said estate, he shall give bond, with good security, to the satisfaction of the Probate Court of said county, payable to the State of Indiana, in the penal sum of double the amount of the property and money received from said administrator, conditioned for the payment of the money, and value of the property received, as aforesaid, to any heir, or heirs, devisees, or legatees, who may at any time hereafter appear and establish his, her, or their right to the same, or any part thereof, which bond shall be filed and kept in the clerk's office of the Probate Court of said county.

Sec. 4. This act to be in force and take effect from and after its passage.

CHAPTER CL.

An Act for the relief of Hannah S. Martin.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hannah S. Martin, of the county of Tippecanoe, may file a bill for a divorce, and prosecute the same against her husband Richard C. Martin, although she has not been in the State one year.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLI.

An Act to legalize the acts of Commissioners appointed to locate a road in the counties of Fountain and Tippecanoe.

[APPROVED JANUARY 14, 1850.]

WHEREAS, By an act entitled "an act to locate a State road in the counties of Fountain and Tippecanoe," approved January 16, 1849, Harley Greenwood and Solomon Hatfield, of Fountain county, and Samuel Ewrey, of Tippecanoe county, were appointed Commissioners to view, mark, and locate a State road, commencing at Elisha Sargent's ferry, on the Wabash river, opposite the town of Attica, to the county road leading from Attica to Jefferson, thence along said road with such variations as might be necessary to make a good road, to the State road leading from Newtown to Lafayette, near Odell's school house, in Tippecanoe:

AND WHEREAS, The said Commissioners were required to meet on or before the first Monday of May, following, at Attica, and after having taken an oath or affirmation faithfully to discharge their duties, should proceed to view, mark, and locate said road:

AND WHEREAS, The said Commissioners were not legally notified of their appointment as such Commissioners, for the purpose aforesaid, in time to meet at Attica upon the first day of May, aforesaid, but soon thereafter did meet, were qualified as the law directed, and proceeded to view, mark, and locate said road according to the provisions of said act:

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts of Harley Greenwood, Solomon Hatfield, of the county of Fountain, and Samuel Ewrey, of the county of Tippecanoe, Commissioners appointed to locate a State road in the counties of Fountain and Tippecanoe, by virtue of an act approved January 16, 1849, be, and the same are hereby legalized and made valid.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CLII.

An Act to locate a State road between the counties of Vigo and Clay.

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William B. Mewhinney, A. T. Lewis, of the county of Vigo, and State of Indiana, and George Rector, of the county of Clay, and State of Indiana, be, and they are hereby appointed Commissioners to view, mark, and locate a State road as follows: Beginning at the south-east corner of section twenty-four, in Riley township, in the county of Vigo, and running north on the line between the counties of Vigo and Clay, to the north-east corner of section one, in Riley township, in said county of Vigo, thence north of west thirty-six poles, thence east of north to the line between the said counties of Vigo and Clay, thence north on said line to terminate at the north-east corner of section twenty-five, in Lost creek township, in the county of Vigo.

Sec. 2. That said Commissioners shall meet at the house of A. T. Lewis, in the county of Vigo, on the first Monday in July, 1850, or at any time thereafter, upon which they shall agree, and after taking an oath or affirmation, faithfully and impartially to discharge their duties, shall proceed to view, mark, and locate said road; and it shall be the duty of said Commissioners, to have said road opened in pursuance of an act entitled "an act to review and consolidate the several acts of the General Assembly, relative to laying out, opening, repairing, changing, and vacating public highways, and to the erection and repairing of bridges, and to amend the same," approved January 16, 1849.

CHAPTER CLIII.

An act to vacate an alley in Greencastle.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the alley running between lots one hundred and sixty-five and one hundred and eighty-eight, on the north, and one-hundred and sixty-six and one hundred and eighty-seven, on the south, as described on the original plat of the town of Greencastle, Putnam county, be, and the same is hereby vacated.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CLIV.

An act in relation to the auditor of Warrick county.

[APPROVED JANUARY 17, 1850.]

WHEREAS, According to the provisions of the thirteenth chapter of the Revised Statutes of 1843, the several county auditors are entitled to a certain *per centum* as a compensation for their services: AND WHEREAS, By an act entitled "an act to abolish the office of county auditor in the county of Warrick," approved January 13, 1844, the clerk of Warrick county was required to do the duties of county auditor in said county, and receive for his services any sum not exceeding two hundred dollars, at the discretion of the board doing county business. AND WHEREAS, It is represented to this General Assembly that the said board doing county business one year between the passage of the last named act and the 14th of January, 1847, ordered to be paid to Joel W. B. Moore, then clerk of said county, out of the county treasury, the sum of two hundred dollars for his services as auditor, and that the said clerk demanded and received the two hundred dollars so ordered to be paid, and also received the *per centum* allowed to auditors, the said clerk and the said board doing county business being, at the time, of the opinion that the said two hundred dollars was intended by the legislature to be paid out of the county revenue, and in addition to the said *per centum*: AND WHEREAS, by an act entitled "an act to amend an act entitled 'an act abolishing the office of county auditor in the county of Warrick,' approved January 13, 1844," approved January 14, 1847, it

is declared that the said act, approved January 13, 1844, shall not be so construed as to deprive the clerk of said Warrick county from receiving said *per centum*, in addition to said two hundred dollars allowed by the last mentioned act: AND WHEREAS, It is further represented to this General Assembly, that the said Joel W. B. Moore has been indicted in the Warrick circuit court for having received the said *per centum*, as above in this preamble stated; therefore,

Be it enacted by the General Assembly of the State of Indiana, That the clerk of Warrick county, acting as auditor, shall lay before the board of commissioners all books and papers relating to the fees or compensation received by said Moore, and for receiving which he is indicted as aforesaid; and said board shall examine the same, and if, in their opinion, the said Moore was not entitled to said fees, he shall refund the same with six *per cent.* interest from the time he received said fees, but if said board of commissioners are of the opinion that he was entitled to said fees, he shall not be required to refund the same; and upon his producing to said circuit court the county treasurer's receipt for said fees and interest, or the order of said board declaring him to have been entitled to receive the same, said indictment shall be dismissed.

CHAPTER CLV.

An act to incorporate the West Point Literary Agricultural College, in Tippecanoe County

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Turner Welsh, Joseph Atkins, Samuel Mustard, P. T. Weaver, Daniel Yanger, Henry Hall, David Holeman, James T. Dutton, and others, that the above trustees may select, to make the number twelve, and their successors in office, be, and they are hereby constituted and declared to be a body corporate and politic, by the name and style of "The Trustees of the West Point Literary and Agricultural College," and by that name they shall be in perpetual succession. This body corporate, or board of trustees, shall have power to employ such person or persons to fill the different purposes of said college, as professors and teachers of the different branches of literature, including scientific and experimental agriculturalism; and the faculty so employed, with consent of the trustees, shall have power to grant and confer on the students

under their instructions, such degrees in the liberal arts and sciences, as is usually granted and conferred in other colleges of the United States: *Provided however*, That no degree shall be conferred, or diploma granted, except to students who have acquired the same proficiency in the liberal arts and sciences, as is customary in the colleges of the United States. The board of trustees shall have power to sue and be sued, plead and be impleaded, in any court of the State of Indiana, or of any other State, and be capable of purchasing, buying, selling, and conveying any property, either real or personal, for the use of said college. They shall be further empowered to receive all and singular, any subscriptions, grants, gifts, donations, and bequests, which shall be solely appropriated to the use of said college, either directly or fixed, in some landed or other securities, to create a permanent fund for the benefit of said college, as the said trustees may think best, or deem most profitable and expedient.

Sec. 2. The above board of trustees shall hold their office for the following time and manner, to-wit: The first three commencing with the first named in the first section, and so in rotation, shall hold their office until the first Monday in April, 1853. The second three shall hold their office until the first Monday in April, 1854. The office of the third three shall expire on the first Monday in April, 1855, and the fourth and last three shall hold their office until the first Monday in April, 1856: *Provided, however*, They hold their office until their successors are duly elected and sworn, in manner and form as follows: the legal voters of Wayne township, Tippecanoe county, Indiana, shall at the April election for township officers, commencing April, 1853, elect three citizens, and so on each succeeding year, out of any citizens of Tippecanoe county, to fill the above offices as they expire, and to perpetuate them also. If any vacancy should occur by death, moving without the said county, resignation, or otherwise, the remaining trustees shall have power to fill such vacancy by an election of said trustees; the trustees so elected, to hold their office for the time only of their predecessors.

Sec. 3. It shall be the duty of the trustees, before entering on their duty as trustees, to take an oath of office before some justice of the peace, for the due performance of their duties. They shall at their first meeting elect out of their number a president, secretary, and treasurer. The treasurer, before entering into the duties of his office, shall execute a bond with good and sufficient security, to the amount of a thousand dollars, or more, as the trustees may demand, and made payable to them, and given to the county auditor, for the faithful performance of his trust, as may be directed by said trustees, in paying over all moneys that may come into his hands as treasurer, and for the delivery to his successor in office all moneys, books, papers, notes, bonds, and other valuable things. In failing so to do, the trustees shall have power to collect by law from the treasurer such delinquencies in money and other effects, and

apply it to the use of said college. The secretary shall keep a full and explicit record of every thing relative to said college, subject to the direction of the trustees. All the proceedings of said college shall be legal only when signed by the president and secretary, by order of the board of trustees of the West Point Literary and Agricultural College. No moneys shall be paid out, only by order of the trustees, recorded in the secretary's book. A copy of such order, signed by the secretary, shall be a sufficient order for the treasurer to pay over as provided therein.

Sec. 4. The said trustees shall meet at such time and place, and as often as they may deem it necessary, and six of the twelve trustees shall form a quorum to do business: *Provided however*, That in all cases, where a meeting is held otherwise than by adjournment, the president shall give, or cause to be given, in all cases, notice of the time and place of such meeting, to each trustee.

See. 5. It shall be the duty of the trustees to provide said college with such teachers or professors at once competent and likely to fill the expectations of the pupils and parents. All of the branches in literature shall be equally open to the use of male and female students. Such branches as may not be at first supplied with a teacher or professor, shall be provided for as the wants and advancement of the age may demand. Scientific and experimental agriculturalism shall be one of the first features of this college, in connection with other branches of literature.

Sec. 6. To promote the health of students, and develope the physical as well as the mental organization, lessen the expenses of the student, and assist in perpetuating said college, the board of trustees shall make such arrangements that those students that desire it, may be exercised and instructed in some species of agricultural and mechanical labor.

Sec. 7. Said college shall be located in the immediate vicinity of West Point, Tippecanoe county, Indiana, or near enough to said village, for the students to obtain board therein.

Sec. 8. The board of trustees shall be empowered to use such means to raise the necessary funds to erect suitable buildings, purchase of grounds, necessary apparatus, &c., as may seem to them practicable and likely to succeed, and advance the true interests of said college. In such a course, said trustees, when they have accumulated enough to erect suitable buildings and other like conditions, may create a fund in lands or other securities, the income to support said college, and defray any or all of the expenses of the students, and in so doing render it as near as possible a free college.

Sec. 9. There shall be nothing so construed in the preceding sections as to conflict with the constitution of the State of Indiana, or of the United States, or to allow any form of religious sectarianism whatever. Nor shall any pupil or student be objected to on account of his or her religious opinions, but all shall be received alike; and further, they shall not have it demanded of them to sub-

mit to any sectarian form as pupils or students, but shall be trained physically, intellectually, and morally, to develope their best natures, as may best suit the parent and board of trustees.

This charter, as enacted, shall be in force from and after its passage.

CHAPTER CLVI.

An act to vacate a certain state road in the county of Dekalb, and for other purposes.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the state road leading from Fort Wayne to the Ohio state line, on the north-west side of the Little St. Joseph's River, as lies between the south line of Dekalb county and the corner of sections 21, 22, 27, and 28, in township 33 north, of range 14 east, in said county, be so changed that the said road shall be, and is hereby located and confirmed, on the ground on which it is now usually travelled.

Sec. 2. All parts of the original road between the points in the first section of this act mentioned, as does not pass on the ground now used and travelled, be, and the same is vacated.

Sec. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CLVII.

An act for the relief of Paul Egbert and others.

[APPROVED JANUARY 21, 1850.]

WHEREAS, Paul Egbert, Elisha Egbert, and William Egbert, administrators of the estate of John Egbert, deceased, did on the 17th day of May, 1844, file in the probate court of St. Joseph county, Indiana, their petition to sell certain real estate therein mentioned belonging to said decedent, for the payment of debts;

AND WHEREAS, The said court at the August term thereof, 1844, did order the sale of a large amount of said real estate, and amongst the rest a part of lot number 19, in the original plat of the town of South Bend, in said county, commencing 125 feet east of the north-west corner of said lot, thence running north 66 feet, thence east 20 feet, thence south 66 feet, thence west 20 feet to the place of beginning, but which last described peice of land was omitted in the entry of the said order;

AND WHEREAS, The said administrators believing the said order embraced the said piece of land, they on the 27th day of March, 1847, sold the same to Thomas S. Stanfield of said county for the sum of five hundred dollars, which sale was at the May term of said court in the year 1847, reported to and ratified and confirmed by said court; THEREFORE,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said sale to said Thomas S. Stanfield, be and the same is hereby legalized, and as full force and effect shall be given to the same as if said tract of land had been sold on the order of said court had for the express purpose.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CLVIII.

An act to incorporate the Cincinnati and St. Louis Telegraph Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana* That the members of the asssociation for the formation of the Cincinnati and St. Louis Telegraph Company, be and the same are hereby declared a body corporate, by the name and style of the "Cincinnati and St. Louis Telegraph company," with all the powers, duties, and liablities inherent in a corporation of such a character; and said corporation in the management of its affairs and prudential concerns shall in all respects be governed and controlled by the "articles of association" under which the subscription of stock in the said "Cincinnati and St. Louis Telegraph company" was taken. And it shall be lawful for said corporation to obtain further subscription of stock in said company, and continue to get stock taken till a sufficient amount has been obtained to complete said line of telegraph from Cincinnati to St. Louis; and the subscribers of such further amount shall be members of said corporation, and be in all

things governed by the said articles of association under which said corporation is organized.

Sec. 2. The right of way is hereby granted to said corporation to construct a line or lines of telegraph wires along all the public highways and across the lands of the State, and erect the necessary fixtures thereon for sustaining the wires, and also across the lands of individuals: *Provided*, Said corporation shall render compensation to the individuals damaged by the construction of said line to his or their lands: *Provided*, Nothing herein contained shall authorize said company to construct said line or lines for a greater distance than twenty miles along any road or highway where a telegraph line is now established.

Sec. 3. The said corporation shall be authorized to force the collection of any subscription of stock in said corporation by suit or otherwise, to the amount of stock so taken by the subscriber in any court having jurisdiction.

Sec. 4. Any person who shall intentionally molest or destroy any of said line or lines, or shall injure any of the property or materials used or to be used in the construction of said line of telegraph, or property belonging thereto shall be deemed guilty of a felony, and on conviction thereof in any court having jurisdiction shall be fined in any sum not exceeding five hundred dollars and imprisoned in the State's prison for any term not exceeding two years nor less than one.

Sec. 5. If the corporation hereby created shall refuse to receive despatches from and for other telegraph lines and companies, and shall refuse to transmit the same in good faith and with impartiality the said corporation so offending shall forfeit all the rights and privileges acquired under this act, and the same shall cease and be dissolved, and in all cases for the willful failure to transmit despatches received at any telegraph office of said company, or the willfully improper transmission of the same, or any other willful neglect the said company shall be liable as common carriers to the party injured.

Sec. 6. This act shall be in force from and after its passage, and shall be deemed a public act.

CHAPTER CLIX.

An act in relation to the erection of a school house in Cambridge City.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the trustees of district number eight, (8,) township sixteen, (16,) in range twelve, (12,) east, to levy and collect a tax of fifty cents on the one hundred dollars of assessible property in said district, for the purpose of building a school house in said district.

Sec. 2. The tax authorized as above shall be assessed and collected in accordance with the provisions of an act entitled "an act to increase and extend the benefits of common schools," approved January 17th, 1849.

This act to be in force from and after its passage.

CHAPTER CLX.

An act to authorize the location of a State road on the county line of Porter and Lake counties.

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William A. Nichols, of the county of Lake, and Thomas C. Sweney, of Porter county, be and are hereby appointed commissioners to locate a State road on the county line of Porter and Lake counties commencing at the State road leading from Valparaiso to the Kankakee rapids, thence north, as near the county line as the nature of the ground will permit, to the State road leading from Michigan City to the western line of the State.

Sec. 2. The said commissioners shall commence and locate said road by the first day of October next, and shall receive one dollar per day for their services, one-half to be paid by Lake county and one-half by Porter county.

CHAPTER CLXI.

An act relative to the Union Plank Road Company in Laporte county.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Union Plank Road Company in Laporte county, may, and it is hereby authorized to subscribe for and take of the

capital stock of any plank road company or companies, for the construction of a plank road from the town of Laporte, to the town of Plymouth; and also, a plank road from the termination of the branch of said Union Plank Road Company, to the town of Valparaiso, or to and from such other point or points, as may be fixed and agreed upon, or in either of such companies, any amount not exceeding ten thousand dollars, in each of such companies; and after such subscription, said Union Plank Road Company shall be subject to all the rules, regulations, and restrictions, and have and exercise all the rights and privileges of any other stockholder. The subscriptions herein authorized, may be made by any person or agent appointed by the directors of said Union Plank Road Company. And said directors may, from time to time, appoint such agents and proxies as may be deemed necessary or useful to said company, in exercising any of the powers which may be possessed by said company, and any and all bonds executed to said company, shall be valid in law, and mny be enforced in any court having jurisdiction; *Provided*, That no subscription shall be made by said company, as above specified, until persons owning two-thirds of the stock thereof, shall file with the secretary or president, their written consent thereto.

Sec. 2. Said Union Plank Road Company, may negotiate with and effect any loan or loans of money from any person or persons, bodies politic or corporate, not exceeding twenty-five thousand dollars, at any one time, at any rate of interest, not exceeding ten per centum per annum, and may, from time to time, loan to the plank road companies alluded to in the first section of this act, and other parties, any money, which it may have on hand, not required for the immediate use of the company, at any rate of interest not exceeding ten per centum per annum. And may give and take all such bonds, bills, promissory notes, mortgages and other securities as may be agreed upon by the parties, which said bonds, bills, promissory notes, mortgages, and other securities shall be valid and effectual in law.

Sec. 3. This shall be a public act, and be in force from and after its passage, but none of the powers herein granted, or obligations herein imposed, shall be exercised by, or obligatory upon said company, until the same is accepted by resolution or order of the board of directors of said company, with the approval of persons owning a majority of the stock therein.

CHAPTER CLXII.

An act to amend a certain act therein named.

[APPROVED, JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of an act, entitled "An act to incorporate the 'Union Literary Institute,'" approved February 16, 1848, be so amended that the words "University Institute," in the sixth line of said section, be so changed that the same shall read Union Literary Institute.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXLIII.

An act to amend an act, entitled "An act to incorporate the town of Franklin, Johnson county, Indiana," passed February 15, 1838.

[APPROVED, JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That, hereafter, the powers of the President and Trustees of the town of Franklin, in relation to declaring what shall be considered a public nuisance, and to prevent the erection, or for removal thereof, and in relation to the assessment and collection of taxes on shows, exhibitions, or amusements for gain, within the distance of half a mile of said town, shall be the same as the act to which this amendatory confers upon them, within the limits of said town.

Sec. 2. All actions [brought to recover any penalty under this act or] the act to which this is amendatory, or the ordiances or by-laws made under the provisions thereof, by said President and Trustees, shall be in the name of the President and Trustees of the town of Franklin, and in such action, it shall be lawful to declare generally in debt for such penalty. Stating in the cause of action, the act or omission complained of, and the section of this act, or the act to which this is amendatory, or the ordinance or by-law prohibiting the act or requiring the duty, and to give the special matter in evidence and the defendant under the general issue, may give any special matter necessary and proper for his or her defence, in evidence. The first process in any such action shall be a capias, and in all cases where judgment is rendered against such defendant in fa-

vor of said President and Trustees, the court or justice of the peace rendering the same, shall order such judgment defendant to be committed to the jail of Johnson county, until such judgment be paid or replevied, there to be confined at fifty cents a day, until at that rate, such judgment is satisfied, unless sooner released by the President and Trustees of said town; *Provided*, The rights of the parties to appeal, shall not be affected by this act. All expenses incurred in prosecuting for the recovery of any penalty, shall be defrayed by said corporation, and all penalties collected shall be paid to the treasury thereof.

Sec. 3. No person shall be an incompetent judge, justice, witness, or juror, in any case contemplated by this act, or the act to which this is amendment, by reason of his being a resident, or owning property in said town, or being the president or a trustee of said corporation.

Sec. 4. The said corporation, in the name of the president and trustees thereof, are authorized by donation, devise, bequest, or purchase, to take, acquire, and hold real and personal estate, not exceeding in value, at one time, ten thousand dollars. And to convey any real estate of said corporation, the deed of the president on behalf of said corporation, signed, sealed, and acknowledged under and in pursuance of the order of said president and trustees, shall be sufficient to vest the title to such real estate in the purchase thereof.

This act to take effect and be in force from and after its publication.

CHAPTER CLXIV.

An Act to authorize James Taylor to erect a Mill-dam across Salamony river, in Huntington county.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Taylor, of Huntington county, be and he is hereby authorized to construct a dam across the Salamony river, [near] the residence of said James Taylor, in section twelve, town. twenty-six, range nine east, in the county of Huntington: *Provided*, Said dam shall not exceed five feet in heighth.

Sec. 2. The said James Taylor shall be entitled to all the benefits of the writ of *ad quod damnum* to condemn lands sufficient to construct said dam.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXV.

An Act to change the name of Mary Bell Niel to Mary Bell Noble.

[APPROVED JANUARY 14, 1850.]

WHEREAS, It is represented to the General Assembly, by the petition of Riley Noble, that he is desirous of making Mary Bell Niel, an infant, an heiress at law of his property, in every respect as though she was his own legal issue, and of having the name of said infant changed to Mary Bell Noble; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Mary Bell Niel, the adopted daughter of Riley Noble, of Posey county, Indiana, be and the same is hereby changed to the name of Mary Bell Noble, and by the said name she shall be known and recognized.

Sec. 2. That the said Riley Noble shall have the custody and control of the person of the said Mary, and the care of her maintenance and education, with all such rights, powers, and authority as if the said Mary was the legal issue of the said Riley Noble.

Sec. 3. That the said Mary is hereby invested, as such adopted daughter, with all the rights and privileges of heirship by descent or otherwise which she could have if she was the legal offspring of the said Riley Noble.

Sec 4. This act to be a public act, and be in force from and after its passage.

CHAPTER CLXVI.

An Act relative to a Receiver in Chancery in the county of St. Joseph.

[APPROVED JANUARY 12, 1850.]

WHEREAS, There is now pending in the St. Joseph circuit court, Indiana, a certain bill in chancery, wherein one Danforth Richmond is the complainant, and one Nelson E. Marston and one Seth Fozier are defendants: AND WHEREAS, ALSO, At the October term of said court for the year A. D. 1848, one William Sisson was appointed by said circuit court a receiver in chancery in said cause, and the said Danforth Richmond was directed to execute his certain promissory notes with sufficient sureties, payable to

said William Sisson, as such receiver, for the use of certain creditors, according to the order of said court: AND WHEREAS, ALSO, The said Danforth Richmond, in obedience to the order of said court, did execute and deliver to the said William Sisson, as such receiver, several promissory notes, for the payment of certain sums of money for the use of certain creditors, specified in said notes: AND WHEREAS, ALSO, One Dudley Cobb at the same time executed the said promissory notes as the security of said Danforth Richmond, in compliance with the order of said court: AND WHEREAS, ALSO, The said Dudley Cobb and the said William Sisson have since deceased, leaving the said promissory notes wholly and entirely unpaid: AND WHEREAS, ALSO, the said St. Joseph circuit court, at the October term, A. D. 1849, appointed one Thomas S. Stanfield a receiver in said cause in the place of the said William Sisson, deceased; Now, therefore, in order to enable the said Thomas S. Stanfield, as such receiver, to collect said promissory notes, without unnecessary delay,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas S. Stanfield, of St. Joseph county, Indiana, be and he is hereby authorized and empowered as a receiver in chancery (appointed by the St. Joseph circuit court in a suit in chancery pending, wherein the said Danforth Richmond is the complainant and Nelson E. Marston and Seth Fozier are the defendants), to institute suits and actions at law or in chancery, and prosecute the same to judgment and execution, in his own name as such receiver, for the collection of each, all, and every promissory note or notes, which the said Danforth Richmond and the said Dudley Cobb, as his security, executed to the said William Sisson, as such receiver, in his lifetime.

Sec. 2. The said Thomas S. Stanfield, as such receiver, (and successor of the said William Sisson), be and he is hereby authorized and empowered (if in his discretion he may deem it necessary) to institute and prosecute to final judgment any suit or suits on either of the said promissory note or notes, either against the said Danforth Richmond or the administrator or administrators of the estate of the said Dudley Cobb, as though the said promissory note or notes were joint and several promissory notes, any law or statute to the contrary notwithstanding.

Sec. 3. That it shall not be necessary for the said Thomas S. Stanfield, as such receiver, to plead this special act in any suit or suits that he may have occasion to institute, but it shall be a sufficient averment in any declaration that the said Thomas S. Stanfield, as such receiver, may have occasion to file in any suit, in addition to the ordinary description of the note or cause of action, to aver the death of the said Dudley Cobb and the death of the said William Sisson, and the appointment of the said Thomas S. Stanfield as such receiver in place of the said William Sisson, deceased; and that any writ or writs, declaration or declarations, or any other proceedings, may and shall be amended at any time, either in form

or substance, without cost and without any delay in the proceedings whatever, unless by consent of the plaintiff.

Sec. 4. This act to be in force from and after its passage.

CHAPTER CLXVII.

AN act to locate a State road in the counties of Sullivan, Clay, Owen, and Hendricks.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Harvey Wilson, of the county of Sullivan, Presley Owen, of the county of Clay, and Jesse Purcel, of the county of Owen be, and they are hereby appointed commissioners to view, mark out, and locate a State road, commencing at the town of Sullivan, in Sullivan county, and running thence north-east to the town of Port Kosseth, in Clay county, thence to Middleberry in same, thence to Bowling Green, in same county, thence to Cataract, in Owen county, and thence to intersect the National Road at or near Stylesville, in Hendricks county.

Sec. 2. It shall be the duty of said commissioners to meet at the town of Sullivan on or before the second Monday of June, 1850, at such time as they, or a majority of them, shall agree upon, and after taking an oath before some officer authorized to administer the same, to faithfully and honestly discharge their duties respectively as such commissioners, to proceed to lay out, mark, and locate said road; and the said commissioners shall have power to employ such surveyor, chainmen, and axmen as they may deem proper for the purpose aforesaid; and the said commissioners, surveyor, and axmen shall each be allowed by the boards doing county business in the counties through which said road may pass, such sum or sums as they may deem just and reasonable in proportion to the distance such road may run through said counties respectively.

Sec. 3. This act to take effect and be in force from and after its passage and publication in the State Sentinel.

CHAPTER CLXVIII.

An act to incorporate the Harrison and Boardman Turnpike Road Company.

[APPROVED, JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Godley, George Bowlby, Daniel Baldridge, James M. Torrence, Bernard Daugherty, James Murtage, Francis A. Waleazert, Merit Huble, of the county of Dearborn, and William H. Snodgrass, David Boardman, and Rowland Robertson, of Ripley county, and their successors in office, duly elected as hereinafter provided, are hereby constituted a body corporate and politic, by the name and style of the "Harrison and Boardman Turnpike Road Company," and by such name and style shall be able and capable in law and equity to sue and be sued, plead and be impleaded, and answer and be answered unto in any and all courts whatever, to make and use a common seal, and the same to alter at pleasure, and shall be able to make all contracts necessary to the object of said company, and enforce necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the constitution and laws of this State.

Sec. 2. The capital stock of said company shall be eighty thousand dollars, divided into shares of fifty dollars each, with power to increase or diminish the capital stock if necessary to accomplish the object herein provided.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on and organize said corporation by electing one of their body president, and after such organization any five of such board shall form a quorum to do business.

Sec. 4. Such corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations and all orders of what nature soever of said board, which journal and proceedings shall from time to time be signed by the president of said board. They may sit on their own adjournments, or on the call of the president; and when the president is absent at any meeting of such board, they may appoint a president *pro tempore*, and they may fill all vacancies that may occur in their body.

Sec. 5. Such corporation shall cause books to be opened for subscription to the capital stock aforesaid at such time and at such places as they may order, due notice of which shall be given in at least one of the newspapers published in each of the said counties of Ripley and Dearborn, in each of which books the following entry shall be made: The undersigned promises to pay the sum of fifty dollars for each and every share of stock set opposite our names in such manner, and at such times, and in such proportions as the president and directors of the Harrison and Boardman Turnpike Road Company shall direct. Witness our hands [and seals] this —— day of ——, 18 .

Sec. 6. It shall be lawful for all persons of lawful age, and for the agent of any corporation to subscribe for any amount of the capital stock aforesaid; and the said corporation may by agent duly appointed offer for sale in any other State any amount of stock upon such terms and conditions as may be thought advisable by said board; and they shall have power upon their own credit to borrow upon such terms as may be agreed upon by the parties to such contract. The corporation shall have power to require such sum of money to be paid at the time of subscribing, not exceeding ten dollars on each share subscribed; but the amount required as last aforesaid shall be made known at the opening of the books as aforesaid, and all future payments on the stock subscribed shall be under the direction of the board aforesaid.

Sec. 7. As soon as eighty shares of such stock are subscribed, and ten dollars on each share are paid as aforesaid, it shall be the duty of the corporation to give three weeks' notice thereof in one newspaper in each of the counties aforesaid, if one is printed therein, and in such notice appoint a time and place for such stockholders to meet and elect nine directors, who shall be stockholders and citizens of this State, and which election shall be by ballot and conducted under the superintendence of an inspector, two judges, and one clerk, appointed by the stockholders present at such meeting, and the persons having the highest number of votes shall be declared duly elected; in all elections each share from one to five shall entitle the holder to one vote, and every five shares additional to one vote only, to be given by the person owning the same, or by one of any partners, or by the husband, father, guardian, administrator, executor, or trustee, or by the agent of any incorporation, and any person who may have a right to vote may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body president, and the president and directors thus elected shall continue in office until the next annual election, and till their successors are elected and qualified.

Sec. 9. All elections after the first shall be held on the third Saturday of October annually, under the direction of the stockholders present, of which election notice shall be given by the president; but should no such election be held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stockholders stock held. They shall be signed by the president and countersigned by the clerk.

The stock shall be transfered on the books of the corporation, only personally or by agent or attorney or by the administrator, executor, trustee, or guardian; but such stock shall be at all times holden by the corporation for any dues from the holder thereof to the corporation, or for any sums that may hereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to require such portions of the stock subscribed, not exceeding fifteen per cent. every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice thereof in the newspapers aforesaid, or by giving written notice to the stockholders, in which shall be specified the amount demanded on each share and the time and place of payment, and if the stockholders shall fail or refuse to pay such requisition within twenty days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for in any court of competent jurisdiction, and recover the same with interest thereon, at the rate of six per cent. per annum, and the evidence to establish such claim of the corporation shall be the order in the journal of proceedings of said corporation, calling for the instalment on the stock, and proof that the notice above specified was given, and if the amount so recovered against said delinquent cannot be made on execution, or if such delinquent is out of the State so that mesne process at the commencement of the suit cannot be served upon him, then the corporation may, by an order on their said proceedings, declare such stock and all that may have been paid thereon forfeited to said corporation; but said stock may be redeemed by such delinquent at any time within six months thereafter, by paying up all such arrearages and costs, if any have accrued, together with six per cent. interest, and no delinquent after such failure, neglect, or refusal aforesaid, and before the stock shall be declared forfeited to the corporation, shall have a right to vote for directors or to receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied; and should any such delinquent be a director in such corporation his office of director may be by the balance of said board declared vacated, and they may proceed to fill from the qualified stockholders in said corporation such vacancy in such board of directors, and the person so appointed shall hold his office until the next annual election and until his successor is appointed and qualified. The corporation shall require of all officers and others in their employ bonds and such security as they shall think proper for the faithful performance of their respective duties.

Sec. 12. The corporation by themselves or agents shall have power to examine, survey, locate, and mark, a turnpike road from Harrison in Dearborn county to a point on the Lawrenceburgh and Napoleon turnpike road, at or near Boardman's tavern in Ripley county, running the same on the best ground for the interest of the company and the good of the public: *Provided*, That said road shall

run through the villages of Logan ⋈ Roads, Dover, New Alsace, and Alton, in Dearborn county.

Sec. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation by their agents or persons in their employ to enter upon any land, to make surveys and estimates, and for stone, wood, gravel, or other material necessary for the construction of said road; but no such material shall be taken from off any lands without the consent of the owner thereof, until the amount of the compensation therefor shall have been ascertained and paid.

Sec. 14. It shall be lawful for such corporation, either before or after the location of said road, to obtain from person or persons through whose lands the same may run, a relinquishment of so much of said land as will be necessary for the construction of said road, and also the stone, gravel, and other materials necessary for the same, that may be obtained from any lands near thereto, to receive by donations, gifts, grants, or bequests lands, money, labor, property, stone, gravel, wood, or other material for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, made and entered into in writing by any person or persons able in law to contract, and for the benefit of said corporation, may and shall be made effectual for the purpose aforesaid by action at law or in equity, in any court of competent jurisdiction: *Provided*, That all such contracts, relinquishments, gifts, bequests, &c., shall be made in writing by the party chargable thereby.

Sec. 15. That when said company shall have procured the right of way as herein provided, they shall be seized in fee simple of the right to such lands, shall have the sole use and occupation of the same for the purposes aforesaid; and no person, body corporate or politic, shall in any way interfere with, molest, injure, or disturb, any of the rights and privileges aforesaid.

Sec. 16. Said company may and is hereby authorized to use the bridge erected over White Water river, below the town of Harrison, and after ten miles of said turnpike road are completed, said company, together with the White Water Valley Canal Company shall each bear half the expense of keeping said bridge in repair, and on the failure of either of said companies, after sixty days' notice from the other, to contribute its just proportion towards defraying any necessary expenses in repairing said bridge, it shall be lawful for either one of said companies to proceed to make such repairs, and if the other company shall, after a fair estimate of the expense of making such repairs shall have been made out and presented to its agents or officers, refuse to pay its proportion thereof, it shall be liable therefor in an action of debt or assumpsit, and the company having made such repairs may recover the same in any court having competent jurisdiction; but no such expense shall be taxed against said turnpike road company until ten miles of said road shall be completed.

Sec. 17. The said company shall commence the construction of said road within three years after the passage of this act, and finish the same within five years thereafter: *provided*, That if five miles of said road shall be completed within the time aforesaid, this charter shall not be forfeited as to that part of the road so completed, nor any part that may be completed within five years.

Sec. 18. The said company shall cause said road to be opened not exceeding fifty feet in width, at least sixteen feet of which width shall be artificial road, composed of stone or gravel well compact together in such manner as to secure a firm, substantial, and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair, and in no case shall the ascent in said road be of a greater elevation that four degrees: *Provided*, That in ascending the hill west of White Water river, and the hills east and west of the main branch of Tanner's creek, said road may ascend by an elevation of five and a half degrees, if found necessary.

Sec. 19. If said road, after the completion thereof, shall be suffered to go to decay, or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

Sec. 20. So soon as said corporation shall have completed said road, or any part thereof, agreeable to the provisions of this act, they may erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons traveling on said road the tolls allowed by this act: *Provided*, That the company may erect quarter gates, if to them it may seem necessay to the protection of the rights of said company: *Provided, also*, That when said road is completed to the summit of the hill west of White Water river, said company may erect a toll gate thereon, and collect one-third of the amount of toll allowed by this charter for ten miles travel, but no tolls shall be collected for this portion of the road separately for more than eighteen months.

Sec. 21. The following shall be the rates of toll for each and every ten miles of said road, and in the same proportion for a greater or less distance, vix: For every four wheeled wagon, carriage, or other vehicle drawn by one horse or other animal, a sum not exceeding eighteen and three-quarter cents; for every horse or animal in addition, six and one-quarter cents; for every cart, chaise, or other two wheeled vehicle or carriage drawn by one horse or other animal, not exceeding twelve and one-half cents; for every sled or sleigh drawn by one horse or other animal, six and one-fourth cents; for every horse or other animal in addition, six and one-fourth cents; for every coach, chariot, or other four wheeled pleasure carriage drawn by one horse or other animal, not exceeding eighteen and three-quarter cents; for every additional horse or other animal, six and one-quarter cents; for every horse and rider, not exceeding ten cents; for every horse, mule, or ass six months old or upwards, led or drove, not exceeding three cents each; for every head of neat cattle, six months old or upwards, one cent;

every hog or sheep, a cent each: *Provided*, That all persons going to, or returning from funerals, public worship, or elections, shall pass said road free of toll.

Sec. 22. If any person or persons using said road shall, with intent to defraud said company or evade the payment of toll, pass through any private gate or bars, or along any other ground near to any turnpike gate which shall be erected pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of any such tolls, or if any person shall take another off said road with intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall forfeit and pay to said corporation the sum of three dollars, without any stay of execution, to be recovered with the costs of suit in an action of debt, at the suit of said corporation, before any justice of the peace: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on or near said road from passing thereon about their premises for common and ordinary business.

Sec. 23. The company shall put a post of stone at the end of each mile, with the number of miles from each extremity fairly cut or painted thereon; and also, in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and all other necessary matter in relation to direction.

Sec. 24. Any person wilfully or maliciously destroying, defacing, or removing any guide board, mile post, or stone, or list of rates of toll erected on said road, shall, on conviction thereof before any justice of the peace, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

Sec. 25. If any toll gatherer on said road shall unreasonably detain any traveler after the toll has been paid or tendered, or shall demand or receive a greater amount of toll than is by this act allowed or fixed by said corporation, he shall for every such offence forfeit and pay a sum not exceeding ten dollars for the use of the person injured, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

Sec. 26. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road, or any section thereof, with all incidental expenses, and also a fair account of the tolls received; and the books of said corporation shall always be kept open for the inspection of any stockholder or creditor of said company; and the said company may at any time dispose of the stock to the State or counties through which the road passes, on any terms to which the stockholders may consent.

Sec. 27. The stockholders in said corporation shall be liable, in a just ratio or proportion of their amount of stock held or subscribed, for all debts incurred or created during their said possession of said stock; and in case of sale or transfer of said stocks from the

original subscription, it shall not release the original subscriber in his just proportion from any debt or debts incurred during his, her, or their possession of said stock.

Sec. 28. This act to be in force and take effect from and after its passage.

CHAPTER CLXIX.

An act to incorporate the Western Plank Road Company.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Johnston, Jacob D. Early, James Farrington, Cephas S. Holden, Chauncy Rose, Joseph Hoskins, Samuel Dickerson, Ephraim S. Wolfe, John P. Usher, James Hook, William Ray, Thos. McCollocht, and Alexander McGregor, of the county of Vigo, [and] Abel S. Hill, Green McKinly, and John Lewis, of the county of Clay, be and they are hereby appointed commissioners to open books at suitable places in the State of Indiana, for subscriptions to the capital stock of a company, for the construction of a plank road from the eastern side of Clay county, to the eastern line of Vigo county, to be called the "Western Plank Road Company," at any time within six months from the passage of this act, or as soon thereafter, as convenient; *Provided*, Said commissioners, or any three of them, shall give twenty days' notice of the time and place of opening of said books, by publishing in one or more newspapers published nearest the contemplated line of said road.

Sec. 2. Said commissioners shall determine at what point or points, books shall be opened, and the length of time they shall be continued open at each point for subscription of stock to said company.

Sec. 3. The stock of said company may consist of money, labor, materials, or such other property, either real or personal, as may be agreed upon by the commissioners or board of directors, after being elected, and whenever the sum of twenty-five thousand dollars shall have been subscribed as stock in said company, and the sum of five thousand dollars have been paid in to said commissioners, either in cash or approved promissory notes, given without the benefit of valuation or appraisement laws, it shall be the duty of said commissioners to order an election for directors of said company, to be held at some convenient place in the town of Terre Haute, at such time as they shall designate, giving at least

twenty days' notice thereof, in one or more newspapers published in Terre Haute.

Sec. 4. All subscriptions to the stock of said company, other than cash, shall be received only at such valuation as shall be affixed thereto, by three disinterested appraisers, to be appointed by the directors of said company.

Sec. 5. Said commissioners, or a majority of them, shall attend said election and conduct the same by opening a poll and receiving votes, between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., of said day. And after the voting shall have been closed, they shall immediately open and count the ballots and shall disclose the number of votes cast, the number received by each individual voted for, and declare those to have been duly elected directors, who shall have received the highest number of votes.

Sec. 6. The directors of said company, shall be seven in number, a majority of whom, shall constitute a quorum for the transaction of business. All vacancies of said board shall be filled by a majority of said directors, and the person appointed by said board, shall serve until a new board shall be elected and qualified; *Provided, however*, That no person shall be eligible to hold the office of director, who is not a stockholder in said company, and every director thus chosen, shall serve as such till his successor is elected and qualified.

Sec. 7. At all elections for directors each stockholder shall be entitled to vote as follows: For each share not over ten, one vote; for each three shares over ten, one vote; *Provided*, That no stockholders shall be entitled to more than twenty-five votes; and such votes shall be cast in person or by proxy, appointed in writing and signed by said stockholder, and no stockholder shall be entitled to vote after the first election, unless the stock by which he claims to vote, shall have been held by him at least three months prior to such election.

Sec. 8. The board of directors first chosen, according to the provisions of this act, shall meet at such time and place as a majority of the commissioners aforesaid, may designate, whose duty it shall be to give said directors notice thereof, within ten days after such election, at which meeting, it shall be the duty of said directors, to appoint one of their number president of said board, and they shall also appoint a secretary and treasurer of said company, whose duties, terms of service, and compensation shall, from time to time, be regulated by said board.

Sec. 9. Said board of directors shall, at their first or some subsequent meeting, fix the time for the next annual election of directors not more than one year from the time of said meeting, and all subsequent elections for directors, shall be held annually thereafter, and conducted in such manner as the board may prescribe.

Sec. 10. One month's notice for the election of directors, at each annual election, shall be given by publication thereof, in two or more newspapers near the line of said road.

Sec. 11. Each board of directors shall continue in office for one year, and until a new board are chosen and qualified, and in case any annual election shall not be held on the proper day for holding the same, it shall be held at some early day thereafter, to be fixed and appointed by the directors then in office, giving the same notice thereof, as required to be given for elections regularly held.

Sec. 12. The aforesaid commissioners, as soon as the first board of directors of said company is organized, or within ten days thereafter, shall deliver over to said board the subscription books of stock, and shall pay over to the order of said board, all moneys or property received by them on such subscription, and in case any one or more of said commissiners shall fail, neglect, or refuse to do so, or shall have destroyed or concealed any of said books with intent to defraud said company, or any stockholder or stockholders or creditors thereof, such commissioner or commissioners so offending, shall, upon conviction thereof, by presentment or indictment, be fined in any sum not exceeding ten thousand dollars, for the use of said company, and be imprisoned at hard labor in the State prison, for a term of time not exceeding ten years nor less than one year.

Sec. 13. The board of directors of said company, shall have power to supply vacancies in the office of president, secretary, and treasurer of said company, and to meet, from time to time, as often as may be thought expedient, to adjourn, from time to time, as they may think necessary, to adopt and establish such rules and regulations, and make by-laws not inconsistent with the laws of this State, as, in their judgment, the business of the company may require, and are necessary for the better organization of the company, and to enable them to do and perform their duties and carry out the designs of the powers granted by this act, and alter and amend at pleasure, any by-law of said company, as the said board may deem necessary; to appoint all subordinate officers, engineers, agents, and workmen that may be necessary to carry out the objects of said company, to demand at such time and in such portion as they shall see fit, the sum of money or subscriptions in labor, or materials due by stockholders on their respective subscriptions of stock under pain of forfeiture to the company, of their shares of stock, and all previous payments thereon, or of such other penalty as may be prescribed by the by-laws of said company, or to sue therefor, and recover the amount due in an action of assumpsit or debt, in any court of competent jurisdiction, to issue proper certificates of stock to the stockholders, and to determine in what manner and under what restrictions the shares of stock shall be transferrable, to fix the compensation and prescribe the duties of the several officers and agents in the employ of the company; to require such bonds, obligations, and securities from the treasurer, secretary, and other officers of the company, as may be deemed necessary, to open and continue open as long as necessary, books for the subscription of stock in said company, to acquire, purchase, sell, lease, and dispose

of real estate for the use of the company, to establish and construct toll-houses, offices, mills, and all necessary structures, fixtures, machinery and apparatus for building and keeping in good order, said plank road, to order and cause to be made, all estimates, surveys, and lettings of work at such time and places as they may determine, to prescribe such form of contracts, rules, and regulations, and specifications for the performance of the work, as they may judge proper, to make and construct and keep in constant repair said road, to make and declare dividends of profits and income of said road, and its appurtenances, mills, and such other sources of income as said company may have, among the stockholders, at such time as they may deem expedient, and do all other necessary and proper acts, in accordance with the provisions of this act, according to its true intent and meaning.

Sec. 14. The said directors, when elected, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of the "Western Plank Road Company," and by such name, may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction within this State, and may make or adopt a common seal and the same to alter at pleasure.

Sec. 15. The capital stock of said company may be two hundred thousand dollars, which may be increased at the pleasure of said company, to any sum necessary to construct the work contemplated by this charter and to carry into effect the legitimate objects of the company.

Sec. 16. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, or company, to be paid for, and at such times as provided for in sections three and thirteen of this act, the payment being equal *pro rata* upon all the stockholders.

Sec. 17. This corporation is hereby empowered to take possession of, occupy and use for the purpose of constructing a plank or McAdamized road thereon, all that portion of the road known as the "National Road," together with the bridges, stone, timber, gravel, or other materials belonging to said road, lying between the eastern line of Clay county, and the western line of Vigo county, and all the rights and privileges heretofore belonging to the United States, in regard to such part of said national road, and which have been surrendered to the State of Indiana, be and the same are hereby transferred to and vested in said company, for the purposes contemplated in this act; *provided*, That it shall be lawful for any railroad company, chartered by any law of this State, to locate and construct their said road across said plank road, so often as it may be necessary or convenient for them so to do—doing no unnecessary damage to said plank road.

Sec. 18. The track of said road shall be constructed of timber, plank, gravel, or other hard material, so that the same shall form a

hard, smooth, and even surface, the particular manner of building of said road shall be determined by the directors of said company.

Sec. 19. Whenever six continuous miles of said road shall be made and completed according to section eighteen of this act, then the said company may erect a half toll-gate on said six miles so completed, and demand and receive tolls for passing the same, at the rates hereinafter mentioned; and whenever said company shall make and complete any additional four miles of said road as herein required, then said company shall have the power to erect another half toll-gate, and demand and receive toll for passing the same, and for every additional four miles of said road so contemplated, said company may erect either half or whole toll-gates, and at such places on said road as the directors of said company may judge for the best interest of the company, and demand and receive tolls for passing said gates, at the rates hereinafter mentioned; *Provided*, That whenever six miles of said road from the the Wabash river east, shall be by said company, put in good order for use and made according to section eighteen, then said company shall be permitted to erect a half toll-gate upon said road, at any point not less than one-half mile east of the town of Terre Haute.

Sec. 20. It shall be lawful for said company to construct said road, so that persons travelling the same, may cross the Wabash river, upon the bridge of the Terre Haute Draw Bridge Company, and nothing in this act contained, shall be so construed as to authorize the "Western Plank Road Company," to construct a bridge across the Wabash river at Terre Haute, without the consent of the directors of the Terre Haute Draw Bridge Company.

Sec. 21. Whenever the said company hereby created, shall have constructed the road across the Wabash bottom, extending from the west bank of the Wabash river to the bluff, on the line of said national road, it shall be lawful for the said company to erect thereon a half toll-gate, and demand and receive toll thereon, according to the provisions of this act; *Provided*, That the said company may construct the said road across the Wabash bottom, by one continuous bridge, if the said company shall think it expedient so to do; *And provided further*, That when the said company shall construct the remaining portion of said road to the State line, or six miles thereof, it shall be lawful for said company to erect a toll-gate thereon, and demand and receive tolls for passing the same, according to the provisions of this charter.

Sec. 22. The following shall be the rate of toll for each and every eight miles of said road, and in the same proportion for a greater or less distance, to-wit: For each and every four wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, not exceeding twelve cents; for every horse or other animal in addition, four cents; for every cart, chaise, or other two wheeled carriage of any description, drawn by one horse or other animal, not exceeding eight cents; for every horse or other animal in addition, four cents; for every sleigh or sled drawn by one horse or other animal, eight cents; for every horse or other animal in addition, four cents; for every coach, chariot, or other pleasure carriage or vehicle, when used or designed chiefly for the conveyance of persons, drawn by one horse, twelve cents; for each additional horse or mule or other animal in addition, four cents; for every horse or mule and rider, five cents; for each horse, mule, or ass, six months old and upwards, led or driven, not exceeding three cents; for each head of neat cattle, six months old and upwards, not exceeding two cents; for each head of sheep and swine, not exceeding one-half cent; *Provided*, That it shall be lawful for the company to take the half of the above rates for passing over the bridge or road to be made across the Wabash bottom, and full tolls as above provided for the residue of said road to the State line, on the west side of Vigo county.

Sec. 23. The board of directors of said company, or any agent by them lawfully authorized, shall have power to negotiate any loan or loans, not exceeding in amount, one-half of the amount of stock actually subscribed to said company, that may be deemed by said company, necessary to carry out the objects contemplated by this act; and for the payment of the loans, said company may bind themselves by their bonds, which when signed by the president and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company, in the order of their issue, and all the effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal.

Sec. 24. No person shall drag along or across said road, any log, wood, or timbers, so that said log, wood, and timber comes in contact with said road, when made of plank or timber, under a penalty not exceeding twice the amount of damages done, to be sued for and collected by said company for its own use.

Sec. 25. No tolls shall be exacted of any person or persons, while actually going to or returning from militia mustering, from any religious meeting on the Sabbath, or from any legal voter going to or from any State, county, or township election, by any toll-gatherers within the township in which said voters may reside, or from any person or persons forming a funeral procession, or returniug from a burial.

Sec. 26. The toll-gatherers at each and any gate, when erected on said road, in pursuance of this act, may detain and prevent from passing such gate, any carriage or animal subject to toll, until the toll thereon is paid.

Sec. 27. Any person who shall willfully break or injure any gate on such road, which may have been erected in pursuance of the provisions of this act, or shall injure said road, or bridges belonging to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage, or animal, turn out of said

road, or pass any gate thereon, or ground adjacent thereto, and again enter on such road, shall, for each offence, forfeit a sum not exceeding ten dollars, to be sued for and collected by said company for their own use.

Sec. 28. The corporation hereby created, shall exist and be continued for and during the term of fifty years after the said road shall be completed.

Sec. 29. At any time after the expiration of twenty years, the State reserves the right to purchase said road, by paying the said company the entire cost and outlay of constructing of said road, and keeping the same in repair; *Provided*, That if the average nett receipts of said company for twenty years, shall amount to ten per cent. per annum, on the amount expended by said company, in the construction of said road, then the State shall have the privilege of redemption as aforesaid, by paying the amount of expenses of construction, without paying anything for the expenses of repairs.

Sec. 30. The president and directors shall be individually liable for all debts contracted by said company, beyond the amount of solvent stock secured to said company, and any violation of the provisions of this charter, shall work a forfeiture thereof.

Sec. 31. This road hereby provided for, shall be commenced within one year, and completed within eight years thereafter, and if the same is not constructed within the time limited, then the right to finish and construct said road, shall cease and this charter void for that purpose; *Provided, however*, That the company shall be permitted to retain the possession of that part of the road which shall have been constructed and receive tolls upon the same, according to the provisions of this charter.

Sec. 32. That it shall be lawful for the said company to lay the road off in divisions, if they think it expedient so to do, making all that part of the road west of the Wabash river, one division, and that east of the Wabash river, the other division, and if the said company shall think it expedient, the subscriptions of stock for the construction of said road, may be taken for each separate division, as the subscribers of stock may desire, in which case, the tolls arising upon said road shall be distributed to the respective stockholders of the several divisions where said tolls were received.

Sec. 33. The legislature retains the right to alter, amend, or repeal this act, at any time that they think that the public good requires it, upon giving thirty days' notice to the president or a director of said company, previous to the appplication to alter, amend, or repeal this charter, together with a succint statement of the cause or causes therefor.

Sec. 34. This act shall be in force from and after its passage, and taken and deemed a public act, and shall be liberally construed to effect the objects hereby contemplated.

CHAPTER CLXX.

An act to vacate a certain alley in the town of West Harrisonville, and a certain street in the town of Mount Pleasant, in the county of Martin.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of Hotel alley, situated in the town of West Harrisonville, in the county of Martin, as runs through lot No. eighteen, (18,) in said town of West Harrisonville, be and the same is hereby declared vacated, and shall be used and treated accordingly.

Sec. 2. That so much of a certain street situate in the town of Mount Pleasant, in said county of Martin, as runs between lots Nos. seven, (7) and eight (8,) and between in-lots Nos. twenty-three (23) and twenty-four (24,) in said town, be and the same is hereby also declared vacated, and shall be used and treated accordingly.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER CLXXI.

An act to authorize John C. Hursh, of Dekalb county to erect a mill-dam across the Little St. Joseph river in Allen county, Indiana.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John C. Hursh, of Dekalb county, be and he is hereby authorized to build a mill-dam adjoining any land he may own in Cedar creek township, in Allen county, across the Little St. Joseph river: *Provided*, He shall not by so building the dam back the water of said stream above the center line, (running east and west.) of section 33, township 33 north, of range 14 east, in Dekalb county.

Sec. 2. That he shall be entitled to all the benefits of the writ of *ad quod damnum* to condemn the lands necessary for his use to build said mill dam.

This act to be in force from and after its passage.

CHAPTER CLXXII.

An act to incorporate the Alamo Sons of Reform of the State of Indiana.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Noah W. Grimes, Meredith Roundtree, J. M. Stubbins, Joab Elliott, Allen McKensey, George Balser, sen., Thomas W. Florer, and S. C. Menick, and their associates, members of the Alamo Sons of Reform, of the county of Montgomery, in the State of Indiana, and their regular successors, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of the "Alamo Sons of Reform" of the State of Indiana, for the purpose of advancing and promoting the cause of order and morality, and affording mutual aid in the time of sickness and adversity, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of competent jurisdistion; and may have a common seal, and the same to alter, break, and renew at pleasure.

Sec. 2. That said Alamo Sons of Reform shall be capable of acquiring and holding lands not exceeding one hundred and sixty acres, by purchase, grant, gift, or demise, and the same to sell, convey, or improve, rent or lease, at pleasure, and to hold and acquire personal property, not exceeding one thousand dollars, and to sell or dispose of the same at pleasure.

Sec. 3. That said Alamo Sons of Reform shall have power to appoint such officers as they may deem necessary, to prescribe their general duties, and to require such security of them as they may deem proper to insure the faithful performance of their duties, and may remove them at pleasure; to make, ordain, and put in execution such by-laws, rules, and regulations as shall be necessary for the proper and efficient management of its affairs, not incompatable with the constitution and laws of the State.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLXXIII.

An act to incorporate the Delphi Northern Plank Road Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Potter, Charles E. Bolls, Hiram Allen, Charles Ruffing, Jesse R. Henry, Mordecai N. Ellis, and Cullen W. Colton, of the county of Carroll, George W. Spitler, of the county of Jasper, Robert C. Kendall and Rowlan Hughs, of the county of White, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of the president and directors of the Delphi and Northern Plank Road company, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any of the courts of justice whatsoever; and to make and use a common seal, and the same to alter at pleasure; and shall be able and capable in law to make contracts, and enforce the same; and to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said corporation shall be one hundred and fifty thousand dollars, to be divided into shares of twenty-five dollars each.

Sec. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree upon, and organize said corporation by electing one of their number to be president, and after such organization any five of the board shall be a quorum.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, and all other officers and persons necessary to carry into effect the objects of this act; they shall keep a journal of all their proceedings, in which shall be entered all the by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to the officers and all others in their employ, which journal shall be read from time to time by the board, and if found correct shall be signed by the president. The said board may sit on their own adjournment, or on the call of the president, or any three members of said board; when the president is absent may appoint a president *pro tempore;* they shall fill all vacancies that may happen in their body.

Sec. 5. The corporation shall cause books to be opened for the subscription to the capital stock, at such time and place or places they may choose, and due notice thereof shall be given; in each of which books the following entry shall be made—"We, the undersigned, promise to pay the sum of twenty-five dollars for each share

of stock set opposite our names, in such manner and proportion, and at such times as the president and directors of said corporation may direct."

Sec. 6. It shall be lawful for all persons of lawful age to subscribe for any amount of the capital stock, and the books shall be kept open for such space of time, and at such place or places as the corporation shall choose, and may be re-opened again at any time; they may by agent or agents offer for sale in any other counties or States, any amount of stock upon such terms and conditions as may be thought advisable, and they shall have power on their credit to borrow money, on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing not exceeding five dollars on each share, as they may think proper, but such requisition shall be made known by being inserted in the notice for opening the books, and any further payment on the stock shall be under the control of the corporation.

Sec. 7. As soon as four hundred shares are subscribed, and the amount paid on each share as determined by the corporation as provided in preceding section, it shall be the duty of the corporation to give three weeks' notice in one of the newspapers of the county of Carroll, and in such notice appoint a time and place for the stockholders to meet and elect five directors, who shall be stockholders, and two of them, at least, citizens of the State of Indiana, which election shall be held within three months after the time of paying the first installment, and shall be conducted by two judges appointed by the stockholders present, and the person having the plurality of the votes given and counted in the public meeting shall be declared duly elected, and in all elections, each share, the installment on which shall have been duly paid when required, shall entitle the holder to one vote, and votes may be given by persons owning [such share,] or by an authorized agent.

Sec. 8. It shall be the duty of the directors elected as above, and all those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected shall continue in office until their successors are elected and qualified.

Sec. 9. All elections, after the first, shall be held on the first Monday in October annually, under the direction of two stockholders who are not directors at the time, to be appointed by the stockholders present, of which election due notice shall be given: *Provided*, That if from any cause whatever there shall be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to stockholders, which shall be evidence of stock held, it shall be signed by the president and countersigned by the clerk; the stock shall be transferable on the books of the corporation only, or by an agent, or attorney, or by an executor, administrator, or guardian; but such stocks shall be at all times holden by the corporation for any dues from the

holders thereof to the corporation, or for any sum that may hereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty per centum of the amount of stock every three months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice, in one or more of the newspapers printed in Carroll county, or by giving written notice to the stockholders, in such notice the amount on each share demanded, and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due in any court of competent jurisdiction, and recover the amount with two per centum per month thereon for such detention, and if the amount cannot be made on execution, or if such delinquent is without the State, then the corporation may by an order on their books declare such stock forfeited to the corporation with whatever amount may have been paid on the same, and no such delinquent before the forfeiture of his stock shall have the right to vote for directors or receive any dividend on his, her, or their stock, until the corporation shall be fully paid and satisfied.

Sec. 12. The corporation shall have full power to require of all officers, and others in their employ, bond, with security to their acceptance, for the faithful performance of their respective duties.

Sec. 13. The corporation shall have full power to survey, mark, and locate a plank road commencing at Delphi in the county of Carroll, thence on such route as they may select and think most advisable, to the town of Rensellear, in the county of Jasper, and thence on such route as the corporation may agree upon and select to the State line of Illinois, with full power to diverge from a straight line whenever more favorable ground can be found, or the interest of the company may require, and the said company may have, and the right is hereby granted them, to use the bridge built by the State of Indiana across the Wabash river at or near the town of Carrollton, in the the county of Carroll, and all persons passing on said road, should the same pass through said town of Carrollton, shall be allowed to pass over the same free of charge, except for tolls paid for traveling on said road: *Provided*, That said company may in their discretion construct any portion of said road of gravel or broken stone.

Sec. 14. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from any person or persons through whose lands the same may pass, a relinquishment of so much of said land as may necessary for the construction and location of said road, also such materials as may be obtained on said route for the construction of said road.

Sec. 15. That in all cases where any persons through whose land the road may pass shall refuse to relinquish the same, or where

a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty may occur that such facts do exist, and such justice shall thereon summon the owner of such land to appear before him on a particular day within ten days thereafter, and shall appoint six disinterested freeholders of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or other materials, and after taking into consideration the advantages, as well as the disadvantages, the road may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown why judgment should not be entered, the justice may grant a review of the premises either with or without costs: *Provided*, That either party may at any stage of the proceedings appeal to the circuit court of the proper county as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the said court shall be final.

Sec. 16. That it may be found expedient or advantageous to the location and construction of said road the corporation shall have the right to lay the same along and upon any State or county road.

Sec. 17. That when said corporation shall have procured said right of way as hereinbefore provided, they shall be seized in full right of said land, and shall have the sole use and occupancy of the same, and no person, body politic or corporate, shall in any way interfere with, molest, disturb, or injure any of the rights or privileges hereby granted, or that would be calculated to detract from or effect the profits of said corporation.

Sec. 18. The corporation shall commence the construction of said road at any time within two years, from the date of this act, and may from time to time construct such portions of said road as may be within their ability and the interest of the corporation, and shall have eight years to complete said road to the State line between the States of Indiana and Illinois; *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may for good cause shown give further time to complete the same: *And also provided further*, That if the said corporation should desire they may construct any portion of said road, commencing at Delphi, in Carroll county, as they may feel able and to the interest of said corporation, and such part of said road as may be unconstructed at the time allowed for the construction of said road, shall be considered and taken as abandoned, unless said corporation apply to the General Assembly for a further extension of time for the completion of said road.

Sec. 19. The said corporation shall have power and they are hereby authorized to cross the Wabash river at any other point or place than at the Carrollton bridge, and if they are not able to erect a bridge across the said river, may employ a ferryman and the necessary boat or boats for travelers passing along and upon said

road, or employ any ferry-boat at any establised ferry for that purpose, and they shall receive the same toll for crossing the river as may be charged on other parts of said road for the same distance; and provided said corporation should construct a bridge across said river, then the said corporation may charge double the rate of tolls for the first five miles that they are allowed to charge on the other parts of said road, and the said bridge shall be constructed with a draw for steamboats to pass in navigating said river.

Sec. 20. It shall be lawful for said corporation to erect gates at suitable distances apart, and demand and receive for all persons traveling said road (tootmen excepted,) the tolls allowed and fixed by said corporation: *Provided*, That the corporation may at any time, alter, amend, or change the rates of tolls: *Provided, however*, That the tolls shall never be raised higher than an average of tolls charged on roads of a similar character in this State, (except the first five miles of said road as provided in the 19th section of this act;) that it shall be the duty of the corporation when the rate of tolls shall be determined to post the same up in some conspicuous place at each place of receiving tolls on said road: *Provided*, That no gate shall be erected nearer than in one mile from the corporate limits of the town of Delphi as at present established.

Sec. 21. That if any person or persons using said road should with intent to defraud said corporation, or evade the payment of tolls, pass through any gate or bar erected on said road, according to the provisions of this act, or shall practice any fraudulent means with intent to lessen the payment of tolls, or shall travel on said road between such gates more than one mile in distance and not report the same to the proper person authorized to receive such tolls, and pay the same, shall for every such offence forfeit and pay to the corporation the sum of five dollars, to be recovered with costs of suit in any action of debt, at the suit of the corporation, before any justice of the peace of the county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises for common or ordinary business.

Sec. 22. The corporation shall make dividends of so much of the profits, and at such times, as the corporation may deem proper, and pay the same to the several stockholders as soon thereafter as they conveniently can.

Sec. 23. That if any person or persons shall willfully and knowingly injure or obstruct said road or any part thereof, or shall break, destroy, or injure any gate, bar, or toll-house, or any other property belonging thereto, such person or persons so offending shall pay the corporation three times the amount of damage actually done, with costs of suit to be recovered by the corporation before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation, or against the same, for damages, shall be commenced within six months from the time such cause of action accrued and not after.

Sec. 24. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election, or any general meeting of the same.

Sec. 25. Should the capital stock herein granted be insufficient to accomplish the intended work, the company may in that case increase the same.

Sec. 26. Any number of the stockholders, holding one-third of the stock of said corporation shall have power at any time to call a meeting of the stockholders, at such time and place as they may agree upon, by giving notice in one or more of the newspapers published in Delphi, specifying the object of such meeting, and a majority of the stockholders being present they may pass such order or orders in relation to the concerns of said corporation as a majority may determine upon.

Sec. 27. The said corporation shall have power to take subscriptions of stock payable in real estate, upon such conditions as they may agree upon, and may own real estate not exceeding fifty thousand dollars in value.

Sec. 28. All real estate purchased by said corporation, or subscribed as stock, the said corporation shall have power to hold, by deed to them, in their corporate name, and when a majority of the directors of said company present at any regular meeting shall determine to sell said real estate, the same may be sold upon such conditions as the directors may designate and agree upon; and the said corporation is hereby empowered to sell and convey by deed the same in the corporate name, which deeds shall be signed by the president of the corporation, and the seal of said corporation attached, and the same shall be acknowledged before some justice of the peace or notary public.

Sec. 29. That whenever five miles of said road are located, made, and completed, the said corporation shall cause a plat of the same to be deposited in the office of the auditor or auditors of the county in which the same is located or made, and from and after the recording of said plat it shall not be lawful for said corporation to change such part of said road.

Sec. 30. That if after the completion of said road, it shall be suffered to go into decay, or be impassable for six months, unless when the same is repairing, this charter shall be taken as forfeited.

Sec. 31. The president and directors of the company shall be liable in their individual capacity for all debts contracted in the prosecution of said work, above the amount of the solvent stock secured to the company; and the legislature reserves the right to alter, amend, or repeal this charter.

Sec. 32. This act shall be in force from and after its passage, and shall be taken as a public act.

CHAPTER CLXXIV.

An act to incorporate the Rushville and Muncietown Railroad Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That Horatio G. Secton, Asahel W. Hubbard, John M. Huddleston, George Hibben, Thomas Wooster, John Walker, Jesse D. Carmichael, Joseph Nicholas and R. S. Cox, of the county of Rush, their associates and successors, be and they are hereby constituted a body politic and corporate, and shall be and remain such forever, under the name of the "Rushville and Muncietown Railroad Company," and by that name said company may contract and be contracted with, sue and be sued, and do all other things proper and usual for similar companies to do; and they are hereby invested with all the powers and privileges in any wise necessary or expedient to carry into effect the proper business of the association.

Sec. 2. Said company is created with a view to the construction of a railroad, with all usual or desirable appendages, from Rushville, in Rush county, to Muncietown, in Delaware county, on the route which said company may select as the nearest and most practicable.

Sec. 3. For the purpose of constructing said road, with all desirable appendages, and putting the same in repair, and doing all necessary business thereon, said company is hereby authorized to enter upon, take, and hold in fee simple, all real estate, and take and use materials desirable for that purpose, doing no unnecessary damage.

Sec. 4. When such real estate or materials cannot be had by donation, or fair purchase, the owner may file his claim for damages in the office of the secretary of said company, and select an arbitrator; whereupon the company shall select another, and these two a third, who shall be disinterested men; and within a reasonable time thereafter, having been sworn, they shall proceed to examine the case and make out and file their award in the premises with said secretary; from which award, either party may appeal to the circuit court of the county where the damage is done, which appeal shall, in all things, be regulated and tried as appeals are, from the judgment of a justice of the peace in this State, said secretary being regarded as such justice in this behalf.

Sec. 5. Whenever any real estate is so taken, and is damaged, the arbitrators, court, or jury trying the case, shall take into consideration and estimate all advantages said road may be to the other real estate of the claimant, adjoining or contiguous to that taken, or within one mile thereof; deduct such advantages from the damage done, and find for the claimant the balance only, if any there be; if there be none, the claimant shall pay all costs.

Sec. 6. When the route of said road interferes with any other road, in any way whatever, the company is authorized to change such other road as may be deemed expedient, putting the same in good passable condition prior to obstructing the same, and whenever the said road crosses a State or county road, the company shall make a safe and convenient crossing.

Sec. 7. Said company may at all times, make and establish such by-laws, rules, and regulations, not conflicting with the laws of this State, in reference to its business, as it may deem expedient; and may fix a penalty to any such laws, rules, and regulations of not exceeding one hundred dollars, for the violation of the same; and collect the same by action of debt, in any court of competent jurisdiction. But all penal law, rules, and regulations prior to enforcing the same, and all toll rates shall be posted up in some conspicuous place, at each depot on the road.

Sec. 8. Any person or persons who may willfully obstruct, injure, or in any wise interfere with said road, or any of the cars, materials, structure, or appendages connected therewith, or anything belonging to said company, besides the penalty that may accrue, he shall pay the company three fold the damage done on the case being made out before any competent court, and on the trial of all suits brought by or on behalf of said company, the regularity of the proceedings to enable them to sue, shall be presumed; but no common law ground of defence, when made to appear, shall, by this provision, be deemed to have been taken away. And all process against said company, shall be served only on the secretary and treasurer.

Sec. 9. The capital stock of said company shall be two hundred thousand dollars, which may be increased at any time, to any desirable amount, for completing said road, with all appendages, and conducting the business of the company, as herein contemplated. Said stock shall be divided into shares of fifty dollars each, and may be taken by individuals, and may be paid in cash or in any other way, and at such time or times, as may be designated by the company.

Sec. 10. At all elections of directors, each stockholder shall have one vote for each share of stock held by him, and the votes may be cast in person or proxy, given directly to the person voting.

Sec. 11. The persons named in the first section of this act, or any five of them, shall be the directors, until a full organization of the company is had, and so soon as deemed expedient, they shall meet at Rushville, in said county of Rush, or at such place as may be designated by a majority of the persons named in the first section of this act, and organize by electing a president, secretary, and treasurer; they shall provide for opening books for the subscription of capital stock, and may commence the construction of said work, and let the same, or any part out, at such time or times, place or places, and in the manner they may deem best, and if necessary, they may cause a random survey and estimate of the cost

of said route, or of any part of it, to be made, and do all other things deemed expedient to do, prior to the first election of directors.

Sec. 12. So soon as thirty thousand dollars of the stock shall be subscribed, an election of seven directors for said company, shall be holden in Rushville, unless some other place shall be designated, due notice of the time and place of such election being given, to serve as such, until their successors are elected and qualified. And annually thereafter, on the first Monday in January, there shall be a new election for a board of directors, at the same place, unless some other place shall be fixed upon by the board of directors, to serve for one year and until as aforesaid. A director shall be the owner of at least five shares of stock. If for any cause, there should be a failure to elect on the day fixed upon for an election, it shall be held so soon thereafter, as may be practicable; thirty days' notice of such election being given, each election shall be held by three judges appointed by the board; and they may appoint a clerk, and judges and clerk shall be sworn honestly to discharge their duty.

Sec. 13. Where a new board is qualified, they shall elect one of their body a president, to serve as such during the current year; they shall also elect a secretary and treasurer, to serve in like manner. Such bonds may be required of all officers, as may be deemed expedient. An official bond shall be required of the treasurer, in a reasonable amount, and before entering on the duties of their office, both treasurer and secretary shall be duly sworn. Five members of the board concurring, they may remove any officer, and fill the vacancy thus made; and any vacancy created in the board, may be filled by a majority of the other members.

Sec. 14. In all cases, except as may be specially provided, a majority of the board shall constitute a quorum to do business; and all the doings of such quorum at a regular meeting, shall be deemed the acts of the company, to all intents and purposes; and statements of such acts and doings, signed by the president and attested by the secretary, with or without the seal of the company appended, unless some by-law may require the seal, shall at all times and places, be deemed the best evidence thereof.

Sec. 15. The company may negotiate any loan or loans at any rate of interest deemed expedient, not exceeding seven per centum per annum, and the principal and interest of all debts so contracted, and for work done on the road, shall be a lien on the road, in the then order and on all of the property and effects of the company, and the stock of each corporator; all of which, or any part may be sold on execution or otherwise, as the board may direct, for the purpose of meeting promptly, such debts; *Provided*, When stock is so sold, it shall be taken from each stockholder refusing to pay his share in rateable proportion, and any stockholder may redeem his stock from such sale, by paying his quote of the money thus raised, into the treasury, within ten days after the sale.

Sec. 16. Said company shall commence the construction of said road, within five years, and may complete so much thereof, and

such parts as the interests of said company and its means will warrant.

Sec. 17. Said company may connect with other railroads, for transporting and traveling [purposes and none other,] on such terms as may be agreed upon by the respective companies. Stock in said company, may be taken and subscribed by any other railroad company in the State, to be paid in cash, materials, iron, or otherwise as may be agreed upon; *Provided*, No one company shall take more than fifty thousand dollars.

Sec. 18. No damages shall be assessed in favor of any person, unless his claim shall be filed within two years after the damage is done, unless the owner of the real estate be an infant, in which case said claim may be filed within two years after the disability is removed.

Sec. 19. Payments for stock subscribed in whole or part, at such times and in such sums as the company may require, may be enforced by an action of debt before any competent court, and judgment had, as in this and the next preceding section contemplated, shall be collectable without the benefit of any stay or valuation laws, and in case an appeal or writ of error be had on such judgment and the same be decided in favor of the company, besides legal interest on the judgment, ten per centum damages shall be assessed and collected thereon for the company, or the company may, to recover the sum due or demanded, expose the stock of the delinquent to public sale, to the highest bidder, at the office of the company, after reasonable notice, paying any surplus that may arise from the sale to the owner, and when so sold, the secretary shall make the proper transfer.

Sec. 20. The stock of the company shall be personal property, and shall be transferable according to the by-laws of the company. After the road is completed, on the first Monday in July and January, in each year, the company shall of their nett profits, declare such dividend as may be deemed just, having a proper regard to the exigiencies of the company.

Sec. 21. A journal of all the doings of the board of directors, with the proper stock and account books, for the company, shall be carefully and accurately kept by the proper officers; any of which books may be inspected, at any time by any stockholders, two stockholders applying at the same time for that purpose.

Sec. 22. The Rushville and Shelbyville Railroad Company may subscribe and take stock in the said road to any amount not exceeding the sum of fifty thousand dollars, and the said company named in the commencement of this section, if by it deemed expedient, may survey, locate, construct, and extend its road, to-wit, the Rushville and Shelbyville Railroad to Lewisville, in Henry county, or to any other town or point on the national road, distant at least fifteen miles from Knightstown, and said company in making such extension, shall have the right to open books and receive subscription of stock and enjoy all the powers, and

privileges conferred by this act, on the persons named in the first section thereof, and the provisions of this act, are hereby extended to said company, for the purpose of making such extension.

Sec. 23. This act shall be deemed a public act, and shall be liberally construed, it shall take effect from and after its passage, and should the company, at any time, desire any amendments to this act, it shall be lawful for the legislature to make the same.

CHAPTER CLXXV.

An act to amend the act to incorporate the Trustees of Indiana Asbury University, approved January 10, 1837.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the fifth section of said act, as requires the treasurer of said university to acknowledge his bond before the circuit court of Putnam county, shall be and the same is hereby so modified, that such acknowledgment and record may be made before any circuit court in this State, as fully as is provided in said act, for the circuit court of Putnam county alone.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXXVI.

An act for the relief of Nehemiah Cheesman, of Wayne county.

[APPROVED JANUARY 14, 1850.]

WHEREAS, Nehemiah Cheesman, of Wayne county, is anxious of erecting a dam across in said county, for the purpose of diverting the water of said stream and of procuring a sufficient fall to propel a certain mill and other machinery built, building, and to be built by the said Cheesman, on the land where he resides.

And Whereas, The said Cheesman is the owner of the land on which the said mill and machinery are built and to be built, and of the land from that point along the said stream, up to and above the place where he desires to erect said dam, but does not own but about one-half of the bed of said stream, the balance thereof, with the banks on the opposite side, belonging to other persons. Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Cheesman, his heirs, executors, or administrators, be and they are hereby authorized to sue out and prosecute his or their writ of *ad quod damnum*, with the view of carrying out his above recited object with like force and effect, and in the same manner as though he were the owner of the whole of the bed of said stream, and all the provisions of article five, chapter forty-eight, of the Revised Statutes of 1843, so far as the same are applicable to his case, are hereby extended to it.

Sec. 2. All acts and parts of acts, so far as they relate to and conflict with the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its passage.

CHAPTER CLXXVII.

An act to incorporate the Noblesville Bridge Company.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders pursuant to the provisions of this act be and they are hereby constituted a body corporate and politic by the name of the "Noblesville Bridge company," and by that name may sue and be sued either in law or in equity, in any court having jurisdiction of the subject matter in controversy, and said company shall have authority to make such by-laws, rules, and regulations not inconsistent with the constitution and laws of this State and the United States, as shall from time to time be found necessary to promote the objects and interests of said company.

Sec. 2. That William Connor, Thomas T. Butler, Albert B. Cole, William Bauchert, Thomas Demoss, Griffin M. Shaw, James George, Earl S. Stone, and Stephen Cary, of Hamilton county, Indiana, or any of them are hereby authorized to procure and open a book or books for the subscription of stock in shares of twenty dollars, or

any less sum as hereinafter specified, payable as may be deemed most proper for the advancement of the object of said corporation.

Sec. 3. That the capital stock of said company shall be dvided into shares of twenty dollars each, or any less sum that may be agreed upon by said company, and that so soon as the said commissioners in their estimation shall procure a sufficient amount of stock to complete such bridge, they shall give reasonable notice by manuscript or printed advertisements to be posted up at six of the most public places in the said county of Hamilton, for the stockholders to meet at such time and place as shall be designated in such advertisement, for the purpose of choosing five directors out of said stockholders, and said directors when so chosen shall serve as such one year and until their successors are chosen and qualified into office, and a majority of said directors shall constitute a quorum for the transaction of business, and an election for directors shall thereafter be held at such time and place as a majority of said stockholders shall at their first meeting designate and appoint, and the said directors chosen at the first meeting of said stockholders, as well as each succeeding board of directors chosen under the provisions of this act, as soon after their selection as practicable shall choose and appoint one of their own body as president, and in like manner appoint a secretary and such other officers as they may deem necessary for the proper and efficient transaction of the business of said corporation. Should an omission to elect directors at the time and in the manner which may be designated by this act occur at any time, the said corporation shall not for that cause be dissolved, but the directors for the time being shall continue to act until their successors shall be elected or chosen and qualified in such manner as they the said directors shall order and direct, and a majority of such directors shall have full power to appoint from among the members of the corporation persons to fill all such vacancies of directors as may occur from deaths, removals, or resignations.

Sec. 4. The said directors may and they are hereby authorized to demand from the stockholders respectively, all such sums of money by them subscribed at such time and in such proportion as they may think reasonable and proper, not however exceeding more than one-half the amount of such subscription at one time, and if any stockholder shall neglect or refuse to pay the amount required of him as above, for a longer period than thirty days after demand made therefor by the person or officer whose duty it may be by the regulations and rules of said corporation to make such demand, the said corporation may in its corporate name recover the same by action of debt in any court of competent jurisdiction together with two per centum thereon over and above legal interest from the date of such demand of payment, and collectable without relief from valuation or appraisement laws, and if the amount so secured cannot be collected on execution or otherwise by the usual and ordinary course of proceeding at common law and a return to that effect shall be made by the proper officer, the corporation may declare the stock

of such delinquent stockholder forfeited to said corporation, together with whatever amount may have been paid thereon, and the same shall thereafter be vested in and absolutely forfeited to said corporation.

Sec. 5. The said company are hereby authorized to erect a brdige across White river at or near the west end of Logan street, or some other neighboring street, or some suitable point in the old plat of the town of Noblesville, in Hamilton county, to the opposite bank of said river; and said company shall have and may use the writ of ad quod damnum, and all the benefits arising from the law allowing such writ for the purpose of having condemned the necessary quantity of ground, for the erection of abutments, toll-houses, and all necessary cause-ways, bridges, and embankments, for convenient access to and from such bridge, and securing the same.

Sec. 6. Whenever said bridge is completed, said corporation may erect a gate upon the same, or at either end thereof, and demand and receive such rates of toll for crossing said bridge, as shall be agreed upon by the directors: *Provided*, Such rates of toll shall not exceed the following rates to-wit: for every four wheeled carriage drawn by two horses, mules, or oxen, fifteen cents; for every additional horse, mule, or ox, attached to the carriage, five cents; for every wagon, cart, sleigh, sled, carriage, or cutter, drawn by one horse, ten cents; for every cart, sleigh, or sled, drawn by two horses, fifteen cents; for each horse or mule, five cents; for every head of cattle three cents; for every sheep or hog, under the number of fifty, one cent; for every hog or sheep over that number, half a cent; for every foot passenger five cents; and in analagous proportions to the foregoing rates for any animals or carriages; but all persons going to and returning from muster when doing military duty, and all funeral processions, and preachers of the Gospel while filling appointments to preach, shall be exempt from paying tolls, and all persons going to or returning from their ordinary places of worship on Sunday shall be exempted from the payment of tolls.

Sec. 7. After the erection of said bridge and toll-gate if any person shall willfully impair or injure said bridge, he, she, or they so offending shall forfeit and pay to said corporation treble the amount of the damage done with costs of suit, to be recovered by said corporation by an action of debt in any court of competent jurisdiction.

Sec. 8. If any person shall forcibly pass, or after having passed shall refuse to pay the legal toll, he shall forfeit and pay to said corporation five times the amount of the legal toll for such passage across said bridge, to be recovered in like manner as provided for in last section of this act, with costs of suit.

Sec. 9. It shall be the duty of said corporation by the secretary, or other proper officer, to cause a full statement of the affairs of the corporation to be made and exhibited to said stockholders at each and every election for directors, or at any other general meeting of said stockholders.

Sec. 10. In all elections for directors each stockholder shall be entitled and authorized to vote in person or by proxy, under such regulations as may be prescribed by the by-laws of said corporation, and be entitled to one vote for each and every share of stock he may hold in said company.

Sec. 11. The privilege is reserved to the county of Hamilton at any time after the erection of said bridge to purchase the same for the purpose of making the same a free bridge by paying to said company the capital invested therein and six per cent. interest.

Sec. 12. That the act entitled "an act to incorporate a company to build a bridge over White river at Noblesville," approved February 4, 1837, be and the same is hereby repealed.

Sec. 13. Certificates of stock shall be given to stockholders, which shall be evidence of stock held, they shall be signed by the president and countersigned by the secretary; the stock shall be transferable only on the books of said company, but such stock shall at all times be holden by and a lien is hereby granted to the company for any debts due from the holders thereof to the company.

Sec. 14. This act to be in force from and after its passage.

CHAPTER CLXXVIII.

An act to incorporate the Peru and Warsaw Plank Road Company.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Richard Miller, E. P. Blackman, Edmund I. Kidd, John Connor, and James M. Defrees, of Miami county, and James S. Frazer, George R. Thralls, and Peter L. Runyan, of Kosciusko county, and their successors in office duly elected, are hereby constituted a body corporate and politic, by the name and style of "The Peru and Warsaw Plank Road company," and by such name and style shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatsoever; to make, use, or adopt a common seal, and the same to alter at pleasure, and shall be able to make all contracts necessary to the objects of said company, and to make and enforce all necessary by-laws, rules, and regulations, and shall have and possess all the power of a body politic and corporate necessary for the purposes of constructing a plank or turnpike road from Peru, in Miami county, to Warsaw, in Kosciusko county.

Sec. 2. That all the rights, benefits, and privileges conferred on "The Peru and Rochester Turnpike company" by the act to incorporate the same, approved January 15, 1849, be and the same are hereby conferred on the Peru and Warsaw Plank Road company,

and the charter of the said Peru and Rochester Turnpike company, so far as the same is not inconsistent with this act, be and the same is hereby declared to be the charter of this company: *Provided*, That nothing herein contained shall in any wise affect, change, or modify the provisions of the charter of the said Peru and Rochester Turnpike Company, and nothing herein shall be so construed as to affect any of the rights of said company.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXXIX.

An act to legalize certain acts therein named.

[APPROVED JANUARY 19, 1850.]

WHEREAS, In the early settlement of the county of Delaware the towns of *New* Albany and *New* Burlington were laid out therein;

AND WHEREAS, In many cases since that time, in conveyances, in judicial records, and for tax purposes, these places have been variously and indiscriminately used with or without the prefix New;

AND WHEREAS, ALSO, The same is liable to produce confusion and occasion injustice to be done to many persons in conveyances by deed or otherwise, in judicial proceedings, in the collection of taxes, and tax sales; THEREFORE,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases as aforesaid where Albany occurs it shall be taken to mean New Albany, and where Burlington occurs it shall be taken to mean New Burlington, and in all such cases the same is hereby legalized and made valid as though the prefix *New* were always attached to said Albany and Burlington.

Sec. 2. This act shall be in force and take effect from and after its passage.

CHAPTER CLXXX.

An act to incorporate the Evansville Insurance Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be and is hereby established at the city of Evansville an insurance company, with a capital stock of fifty thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies, or corporations in the manner hereinafter specified, which stockholders and subscribers, and their successors, shall be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of "The Evansville Insurance Company," for the period of fifty years from and after the passage of this act, and by that name shall be competent and have full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places, and in, about, and in relation to all matters, subjects, and business whatsoever, with full power to acquire, hold, possess, use, occupy, and enjoy, and to sell, dispose of, and convey all such real estate as shall be necessary or convenient for the transaction of its business, or which may be conveyed to said company for the security or payment of any debt or stock which may become due or owing to said company, or in satisfaction of any judgment or degree of any court in favor of said company; and the said company may adopt, have, and use a seal and the same alter, change, break, or renew from time to time, at the pleasure of said company, and the said company may from time to time enact, and ordain, and execute, and enforce all such by-laws, rules, and regulations as may be necessary for the convenient and proper regulation and management of its affairs and business, or for the good government of the officers and members of said company: *Provided*, That no by-laws, ordinances, rules, or regulations of said company shall in any wise contravene the constitution or laws of this State or of the United States: *And provided, also*, That said company shall not at any one time own real estate to the value of more than twenty thousand dollars, exclusive of one lot in the city of Evansville whereon to transact its business.

Sec. 2. That said company shall have full power and authority to insure all kinds of property against loss or damage by fire, or any other cause or risk; to make all kinds of insurance against loss or damage on goods, merchandize, and property in the course of transportation whether on land or water, and whether within the United States or elsewhere; to make all kinds of insurance upon boats and vessels wherever they may be; to make all kinds of insurance upon health and life or lives; to cause the said company to be insured against any loss or risk it may have incurred in

the course of its business, and against any maratime or other risk, upon the interests the said company may have in any boat or vessel, goods, wares, merchandise, or property.

Sec. 3. It shall be lawful for said company to invest all or any part of its capital, stock, funds, money, or property, in stocks or funded debts created or to be created by or under any law of the United States, or of the State of Indiana, or of any other State or territory of the United States, or in the stock of any chartered bank of this State, or of any other State, or of the United States, or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same in any such stocks or funds from time to time as a due regard to the interests of said company and the safety of its funds may require; and the said company shall also have full power and authority to loan any or all of its capital or stock, funds, and money to individuals, companies, or corporations, on real or personal security for such periods of time and under such restrictions, terms, and conditions, as the directors of said company for the time being shall deem prudent and best for the interests of said company; and the said company are hereby authorised to draw, make, and issue bills of exchange, and promissory notes, and certificates of deposite, checks and drafts for the payment of money; and to buy and sell, endorse and negociate, pledge and deposite, and receive in pledge, or as security, and on deposite bills of exchange, promissory notes, bonds, and other obligations for the payment of money; and to receive on deposite cash and bank bills for such time and at such rate of interest as may be agreed upon, and discount or loan the same or such other funds as said company may have on hand, upon such terms and conditions, and at such rate of interest, not exceeding six per cent. per annum, which may be taken in advance as the State Bank of Indiana is now allowed by law to do, and may charge and receive the same rate of exchange as the said bank is allowed to, or the current rate at the time of the transaction, and hereafter should the rate of interest be increased by law it shall be lawful for said company to charge and receive such legal rate as individuals are allowed by law to receive, as may be agreed upon between said company and the person or persons, body corporate or company procuring such loan or discount, and all bills of exchange and notes for the payment of money made and issued by said company shall be transferable by endorsement: *Provided*, That it shall not be lawful for said company to charge or receive any compensation for the endorsement of any bond, note, bill, or other instrument of indebtedness, and that all deposites made with or in the office of said company shall be refunded and paid by said corporation on demand and in specie or its equivalent, except when special deposites are made which shall be paid and refunded by said company as agreed upon: *And provided further*, That it shall not be lawful for said company to issue or emit bills of credit or bills payable to order or bearer to be used as a circulating medium.

Sec. 4. That in all cases where said company shall fail or refuse

to pay deposites at its office on demand, where no agreement was made as to the time of payment, or where the time of payment agreed upon has expired, the amount of any such deposite, together with ten per centum damages thereon, may be recovered of said company by the person or persons to whom such deposite may be due and payable before any court of competent jurisdiction, and all judments rendered against said company for deposites shall bear interest from their date at the rate of six per centum per annum, and there shall be no stay of execution upon any such judgment, and property levied on by virtue of any execution issued upon any such judgment shall be sold to the highest and best bidder, without relief from valuation or appraisement laws.

Sec. 5. In all legal proceedings service of any notice or process upon the president or secretary or any two of the directors of said company shall be sufficient.

Sec. 6. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the administrations of its affairs shall be under and subject to the control and management of a board of seven directors, who shall be stockholders, and citizens of this State, and they shall be elected by the stockholders, and, after the first election, they shall be elected on the first Tuesday in May of each year, at such time of day and at such place in the city of Evansville as the directors for the time being shall direct, the directors elected at any election after the first shall hold their offices until the next annual election, and until their successors are elected and qualified. Notice of every such election shall be advertised and published for three weeks next preceding the same in some newspaper of general circulation printed and published in the city of Evansville, and every such election shall be by ballot and in public, but no director in this company shall at the same time be a director in any bank, or any other insurance company; and each stockholder shall be entitled to vote at such election, and give one vote for each share of stock owned or held by him or her, and a plurality of the votes received and counted in public at any such election shal be sufficient to elect the person or candidate in whose favor the same are given. Every such election shall be held under the inspection of three stockholders, (not directors at the time,) to be designated and appointed for that purpose by the directors for the time being: *Provided*, That no stockholder shall at any time be entitled to more than twenty-five votes, and any stockholder having a right to vote at any such election may vote by proxy, such proxy being given to a stockholder personally present at such election, and in case it should so happen that an election of directors should not be held or made on any day when by the provisions of this act directors ought to have been elected, such directors may be elected on any other day that may be fixed and appointed by a by-law of said company or corporation.

Sec. 7. That the directors of said company chosen under the provisions of this act shall, as soon as practicable after their election,

elect one of their body president of the board of directors, and in case of his death, resignation, or absence they shall appoint a president pro tempore, they shall fill all vacancies occurring in their own body until the next election of directors, and shall appoint a secretary, and all subordinate officers, agents, clerks, and servants of the company or corporation and fix their salaries, define their powers, and prescribe their duties, and remove them and appoint others in their stead, whenever such directors think proper so to do, and the said directors shall make all such rules, regulations, and by-laws for their own government and for the management and disposition of the business, property, and affects of said corporation as to said directors shall seem needful and proper: *Provided*, Every rule, regulation, and by-law made by said directors which is contrary to or inconsistent with the provisions of this act or the provisions of the by-laws of said corporation, established by the stockholders of said corporation as herein provided, shall be utterly void.

Sec. 8. The stockholders of said corporation shall have power to make, ordain, and establish all such by-laws, rules, and regulations, not inconsistent with the provisions of this act, as to them shall seem needful and proper for the government of the directors, officers, agents, and servants of said corporation, and for the management, control, and disposition of the funds, stock, business, property, and effects of said corporation, and for the purpose of making such rules, regulations, and by-laws, a majority of the whole number of stockholders shall be a quorum, and all questions before them shall be decided *viva voce* by a majority of the stockholders present, any two stockholders present having the right to call for the yeas and nays, and have the same entered upon the journal of their proceedings: *Provided*, That no such by-laws, rules, or regulations shall be made by the said stockholders except at a regular meeting held in pursuance of the by-laws of said corporation, or at a meeting called by the president of the board of directors, or by any three stockholders, of which called meeting notice shall be given by advertisement for at least two weeks in some public newspaper of general circulation, printed and published in the city of Evansville.

Sec. 9. All questions before the board of directors shall be decided by a majority of the directors present including the president or president pro tempore, and a majority of the whole number of directors shall constitute a quorum, and be competent to do business at any meeting of the board, and the number of directors may be increased or diminished at any time by a by-law made by the stockholders: *Provided*, That the number shall not be less than seven nor more than thirteen.

Sec. 10. And [the] said directors shall semi-annually at such times as shall be fixed by the by-laws made by the stockholders, make and declare such dividends of the profits resulting from the business of said corporation, as shall not in any wise lessen or impair its capital stock, and cause such dividends to be paid to the stockholders: *Provided*, That no such dividends shall be paid except

upon the amount of stock actually paid for or secured to be paid, and all dividends upon stock not actually paid for or secured shall be passed to the credit of such stock as part payment thereof, and the directors may declare any stock not secured or paid for forfeited, and sell the same again.

Sec. 11. All policies of insurance and other contracts and instruments of writing made or entered into by or on behalf of said corporation shall be signed by the president, or president pro tempore, of the board of directors, and attested by the secretary, and being so signed and attested shall be binding and obligatory upon said corporation with or without the seal thereof, and all such policies or contracts may be made and signed by the president, or president pro tempore, and the secretary, and all other business of said corporation may be transacted and carried on by them without the presence of the directors, subject to such rules and by-laws as shall be made in relation to such business: *Provided*, That all conveyances of real estate shall be executed and acknowledged by the president, or president pro tempore, alone, with a seal of wax, wafer, or ink scrawl, and all endorsements of bills, bonds, notes, and contracts for the payment of money, and all certificates of deposite shall be made by the secretary alone, unless otherwise provided by the by-laws of said corporation.

Sec. 12. It shall be the duty of the secretary at every election of directors, or other general meeting of the stockholders, to lay before the stockholders a correct, full, and particular statement of the affairs and condition of the company.

Sec. 13. The stock of said company shall be assignable and transferable on the books of said corporation or otherwise, as shall be provided by the by-laws, and subject to such restrictions, conditions, and liabilities as shall be prescribed by the by-laws of said company.

Sec. 14. The books for the subscription of the capital stock of said company shall be opened at the city of Evansville, by and under the direction of Crawford Bell, Willard Carpenter, Charles Harrington, John Ingle, jr., John M. Stockwell, Peter Sharpe, and James G. Jones, or a majority of them whose duty it shall be to give notice of the time and place of opening books for the subscription of such stock by advertisement in a newspaper printed in said city, and it shall be lawful for any person or persons, company, or corporation, to subscribe for any number of shares of said stock, and such person or persons, company, or corporation, shall at the time of subscribing pay to the commissioners above named having charge of the stock book one dollar on each share so subscribed, and it shall be the duty of said commissioners, so soon as four hundred shares of said stock are subscribed, to appoint a time and place for the election of the first board of directors and give two weeks notice thereof by publication in a newspaper printed in the city of Evansville, and at the time and place so appointed an election shall be held and conducted as provided by this act for the subsequent election of di-

rectors, except that the commissioners having charge of the stock books shall designate the stockholders to act as inspectors; and the board of directors elected in pursuance of this section of this act shall hold their offices until the first Tuesday in May next after their election and until their successors are elected.

Sec. 15. That so soon as the first board of directors shall be elected as above provided, it shall be the duty of said commissioners to pay over to said directors and deliver to them all moneys, books, and papers belonging to said corporation, or in any wise relating to the business thereof; and before said company shall issue any policies, or transact any other business involving the rights of persons who are not stockholders, the stock subscribed before the first election of directors, to the amount of at least four hundred shares, shall be fully paid or the payment thereof secured to the satisfaction of said directors, and, when so secured, all stock, whether subscribed before or after the first election of directors, shall be upon the same footing and entitle the holder thereof to all rights and privileges, and subject such holder to all duties and liabilities to which such stockholder would be entitled or subject if the stock so secured to be paid were actually paid in money: *Provided*, That whenever the directors shall deem the security given for the payment of any stock insufficient, or likely to become so, they shall order further security to be given, and until such further security shall be given to the acceptance of said directors no further dividends shall be paid upon said stock, but such dividends shall be retained and placed to the credit of the stock so insufficiently secured or likely to become so.

Sec. 16. That when said corporation shall grant and issue any policy or policies of insurance, on any kind of property, against loss or damage from fire, or any other cause or risk, or upon health or life, it shall be lawful for said corporation to charge and receive such a rate of premium as shall be agreed upon by the parties concerned.

Sec. 17. All policies of insurance to be made and entered into by said corporation shall be assignable upon such terms and conditions as shall be expressed in such policies, or in a memorandum in print or writing, or both, endorsed thereon or annexed thereto, and referred to in such policies.

Sec. 18. Whenever any loss or damage shall happen, for the payment whereof said company shall be liable, it shall be the duty of said company to pay the same within sixty days after receiving notice thereof, and upon judgments obtained by said corporation there shall be no stay of execution, except judgments for money loaned or upon promissory notes discounted, upon which execution may be stayed as in case of a judgment in favor of one individual against another.

Sec. 19. The stockholders shall have full power to make all by-laws by them deemed proper for the government of said corporation and the conduct and management of its affairs and business

in the manner prescribed by and not inconsistent with this act, and such by-laws shall be paramount to those made by the directors; and in all cases not provided for by such by-laws the directors shall have full power to make all such by-laws as to them shall seem proper not inconsistent with this act.

Sec. 20. Whenever it shall become necessary for the payment of debts or liabilities of said corporation, the directors shall have power to order and require stock secured and not paid to be paid to said company in such instalments, and at such times as to them shall seem expedient, not inconsistent with the by-laws of said corporation; and the payment thereof may be enforced and compelled by suit brought for the amount ordered to be paid in the name of said corporation against any stockholder who may be delinquent; and in any such suit the declaration shall be sufficient if it show clearly that the defendant is a holder of stock which has not been actually paid for, that the payment of all or any part thereof has been ordered as above provided, but that the same has not been paid; and on judgments or decrees in such cases there shall be no stay of execution, and property levied on for the satisfaction thereof shall be sold to the highest bidder without appraisement.

Sec. 21. The president and directors of said company shall be jointly liable to pay with and out of their private and individual property and estates all debts and liabilities which may be contracted or incurred by said company over and above the assets and solvent stock belonging to said company at the time such liability may occur: *Provided*, That the preceding part of this section shall not apply to any liabilities or debts of said company arising from or growing out of any risk or policy of insurance: *And provided also*, That the property, assets, and effects of the company shall be proceeded against and exhausted before the individual and private property or estates of the president and directors shall be proceeded against.

Sec. 22. Before said company shall proceed to do any business involving the rights of persons who are not stockholders, the president shall make and file with the clerk of Vanderburgh county an affidavit, stating that stock to the amount of at least four hundred shares has been subscribed and paid for, or secured to be paid according to the provisions of the fifteenth section of this act.

Sec. 23. Any president, director, secretary, agent, or other officer of said company, who shall knowingly and wilfully make any false certificate, or affidavit, or false account or statement of the property, assets, effects, or business of said company, or any false entries in any of the books of said company with a view to defraud the said company, or any person or persons body corporate or politic whomsoever, or who shall embezzle or fradulently appropriate to his own use, contrary to this act or the by-laws of said company, any money, choses in action, or property belonging to or in possession of said company, on deposit or otherwise, shall be deemed guilty of felony, and upon conviction thereof on presentment or

indictment shall be fined in any sum not exceeding double the amount so embezzled or appropriated, and imprisoned in the county jail any time not exceeding six months, or in the State prison, at hard labor, for any time not less than one year, nor more than five years, at the discretion of the court or jury trying the same.

Sec. 24. The said company shall have full power and authority to establish agencies and appoint agents and officers to transact any and all kinds of business (which may be lawfully transacted by said company under this act) at all such places in the United States or elsewhere, as to the said company shall seem proper.

Sec. 25. In all actions and suits against said corporatiou the plaintiff shall have the right to examine as a witness any officer, agent, or stockholder of said company touching the matters in controversy in the same manner, and subject to the same rules as other witnesses in such action or suit.

Sec. 26. For any alleged violations of the provisions of this act the General Assembly may cause and direct suit to be brought against said corporation in any court of competent jurisdiction in Vanderburgh county; and if the said corporation shall be adjudged guilty of the breach complained of, the court shall pronounce judgment that the said corporation forfeit all the powers, privileges, and franchises granted by this act, and thenceforth said corporation shall exercise or possess none of said powers, privileges, or franchises, except for the purpose of settling the business and disposing of the assets, property, and effects of said corporation: *Provided*, That from every such judgment an appeal to the Supreme court shall be allowed as in other cases: *Provided further*, No such suit shall be commenced after the lapse of two years next after the commission of the offence complained of.

Sec. 27. This act shall be deemed a public act, and as such shall be taken notice of by all courts and persons; and it shall take effect and be in force from and after its passage.

The Legislature reserves the right to alter, amend, or repeal this charter.

CHAPTER CLXXXI.

An act for the relief of James Bertenshaw.

[APPROVED JANUARY 12, 1850.]

WHEREAS, On the 16th day of August, in the year 1831, one William Banes, an alien and a resident of the State of Indiana, entered in the Land Office of the United States, the east half of the south-west quarter of section eight, township eight, range one west, in the district of land subject to sale at Cincinnati, Ohio, and procured letters patent, to be issued from the General Government of the United States, to him therefor.

AND WHEREAS, The said William Banes continued to reside in said State of Indiana, until the time of his death, at which time he left neither children nor heirs, lineal or collateral, to whom the land aforesaid, could by law, descend;

AND WHEREAS, The said William, at the time of his death, left one Mary Banes his widow, who was also a resident of said State of Indiana, and continued to reside therein, until the time of her death;

AND WHEREAS, The said Mary, on the eighteenth day of June, 1848, and after the death of her said husband, made, signed, sealed, and published her last will and testament, in and by which she willed and bequeathed the land above described, situate in the county of Franklin, and State of Indiana, to James Bertenshaw, which said will and testament was afterwards, on the twenty-first day of November, 1849, and after the death of the said Mary Banes, duly proved and admitted to probate, in the office of the clerk of the probate court of Franklin county, in said State of Indiana. Now, to legalize the proceedings in the premises, as also, to confirm the title of the said James Bertenshaw, in said tract of land,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the proceedings of the said Mary Banes, in the premises, be and the same are hereby declared legal and valid to all intents and purposes, and shall be so taken, construed, and adjudged by all courts of law and equity, in this State.

Sec. 2. *And be it further enacted*, That the title and estate of, in, and to said tract of land, shall vest in, and the same is hereby declared to vest in the said James Bertenshaw, his heirs and assigns forever; *Provided*, That no heirs of the late William Banes, shall claim said lands for seven years from the passage of this act.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CLXXXII.

An act for the relief of Elias Abel, of Monroe county.

[APPROVED, JANUARY 21, 1850.]

WHEREAS, James H. King, of the county of Monroe, and State of Indiana, executed a mortgage to the State of Indiana, dated 22d July, 1837, upon in lots in the town of Bloomington, in said county, known by numbers two hundred and seventy-five (275) and two hundred and seventy-six, (276), for $500, borrowed of the Sinking Fund of said State, which mortgage was recorded in the Recorder's Office of said county of Monroe;

AND WHEREAS, Said mortgaged premises were sold by said State, November the 13th, 1845, to one John Watson, of the county of Vigo, for failure to pay interest and a deed made by said State, to said Watson, for said real estate before mentioned;

AND WHEREAS, Said real estate has been sold to Elias Abel, of the said county of Monroe, by said Watson, and said mortgage, as recorded in the Recorder's Office of said county of Monore, has not been satisfied, but stands on the record in full force; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Sinking Fund Commissioners of the State of Indiana, be and they are hereby directed and required to cause said mortgage, as recorded in the Recorder's Office of the county of Monroe, to be fully and amply satisfied; *Provided*, The principal and interest secured by said mortgage, be fully paid.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CLXXXIII.

An act to incorporate "The Mount Vernon Insurance Company."

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be and is hereby established at the town of Mount Vernon, an insurance company, with a capital stock of fifty thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies, or corporations, in the manner hereinafter specified, which stockholders, and subscribers, and their successors shall be and are hereby created

a body corporate and politic, with perpetual succession, by the name and style of "the Mount Vernon Insurance Company," for the period of fifty years from and after the passage of this act; and by that name, shall be competent and have full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in, about, and in relation to all matters, subjects, and business whatsoever, with full power to acquire, hold, possess, use, occupy, and enjoy, and to sell, dispose of, and convey, all such real estate as shall be necessary or convenient for the transaction of its business, or which may be conveyed to said corporation or company, for the security or payment of any debt, or stock, which may become due, or owing to said company, or in satisfaction of any judgment or decree of any court, in favor of said company, and the said company may adopt, have, and use a seal, and the same alter, change, break or renew, from time to time, at the pleasure of said company; and the said company may, from time to time, enact and ordain, and execute, and enforce all such by-laws, rules, and regulations, as may be necessary for the convenient and proper regulation and management of its affairs and business, or for the good government of the officers and members of said company; *Provided*, That no by-laws, ordinances, rules, or regulations of said company shall, in anywise, contravene the constitution or laws of this State, or of the United States; *And provided, also*, That said company shall not, at any one time, own real estate to the value of more than twenty thousand dollars, exclusive of one lot in the town of Mount Vernon, whereon to transact its business.

Sec. 2. That said company shall have full power and authority, to insure all kinds of property against loss or damage by fire, or any other cause or risk; to make all kinds of insurance against loss or damage on goods, merchandise, and property in the course of transportation, whether on land or water; and whether within the United States of America, or elsewhere; to make all kinds of insurance upon boats and vessels wherever they may be; to make all kinds of insurance upon health and life or lives; to cause the said company to be insured against any loss or risk it may have incurred in the course of its business; and against any maratime or other risks upon the interest the said company may have in any boat or vessel, goods, wares, merchandise, or property.

Sec. 3. It shall be lawful for said company to invest all or any part of its capital stock, funds, money, or property in stock, or funded debts created, or to be created by, or under any law of the United States, or of the State of Indiana, or of any other State, or Territory of the United States, or in the stock of any chartered Bank of this State, or any other State, or of the United States, or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same in any such stocks or funds, from time to time, as a due regard to the interest of said company, and the safety of its funds may require. And the said company shall, also,

have full power and authority to loan any or all of its capital stock, funds, and money to individuals, companies, or corporations, on real or personal security, for such period of time, and under and upon such restrictions, terms, and conditions, as the directors of said company, for the time being, shall deem prudent and best for the interest of said company. And the said company are hereby authorized to draw, make, and issue bills of exchange and promissory notes, and certificates of deposite, checks, and drafts for the payment of money, and to buy and sell, pledge and deposite, and receive in pledge or as security, and on deposite, bills of exchange, promissory notes, bonds, and other obligations for the payment of money, and to receive on deposite, cash and Bank bills, for such time, and at such rate of interest as may be agreed upon, and discount or loan the same or such other funds as said Company may have on hand, upon such terms and conditions, and at such rate of interest, not exceeding six per cent. per annum, as may be agreed upon between said company, and the person or persons, body corporate, or company procuring said loan or discount, which interest may be taken in advance, as the State [Bank] of Indiana is now allowed by law to do, and charge the same rate of exchange, as said bank is allowed to, or the current rate at the time of the transaction; and hereafter, should the rate of interest be increased by law, it shall be lawful for said company to charge and receive such legal rate as individuals are allowed by law, to receive; and all bills of exchange and notes for the payment of money, made and issued by said company, shall be transferrable by indorsement and delivery; *Provided*, That it shall not be lawful for said company to charge or receive any compensation for the indorsement of any bond, note, bill, other instrument of indebtedness. That all deposites made with or in the office of said company, shall be refunded and paid by said corporation, on demand and in specie, or its equivalent, except when special deposites are made, which shall be paid and refunded by said company, as agreed upon; *And provided further*, That it shall not be lawful for said company to issue or emit bills of credit, or bills payable to order or bearer, to be used as a circulating medium.

Sec. 4. That in all cases where said company shall fail or refuse to pay deposites at its office, on demand, when no agreement was made as to the time of payment, or when the time of payment agreed upon has expired, the amount of such deposites, together with ten per centum damages thereon, may be recovered of said company, by the person or persons to whom such deposites may be due and payable, before any court of competent jurisdiction, and all judgment rendered against said company for deposites, shall bear interest from their date, at the rate of six per cent. per annum, and there shall be no stay of execution upon any such judgment, and property levied on by virtue of any execution issued upon any such judgment, shall be sold to the highest and best bidder, without relief from valuation or appraisement laws.

Sec. 5. In all legal proceedings, service of any notice, or process upon the president or secretary, or any two of the directors of said company, shall be sufficient.

Sec. 6. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the administration of its affairs shall be under and subject to the control and management of a board of seven directors, who shall be stockholders and citizens of this State, and they shall be elected by the stockholders, and after the first election, they shall be elected on the first Tuesday in May, in each year, at such time of day, and at such place, in the town of Mount Vernon, as the directors for the time being, shall direct; the directors elected at any election after the first, shall hold their offices until the next annual election, and until their successors are elected and qualified. Notice of every such election shall be advertised and published for three weeks next, preceding the same, in some newspaper of general circulation, printed and published in the town of Mount Vernon, and every such election shall be by ballot and in public, and each stockholder shall be entitled to vote at such election, and give one vote for each share of stock owned or held by him or her, and a plurality of the votes received, and counted in public at any such election, shall be sufficient to elect the person or candidate in whose favor the same are given. Every such election shall be held under the inspection of three stockholders, (not directors at the time,) to be designated and appointed for that purpose by the directors, for the time being; *Provided*, That no stockholder shall, at any time, be entitled to more than twenty-five votes, and any stockholder having a right to vote at any such election, may vote by proxy, such proxy being given to a stockholder personally, present at such election; and in case it should so happen that an election of directors shall not be held or made on any day when, by the provisions of this act, directors ought to have been elected, such directors may be elected on any other day that may be fixed and appointed by a by-law of said company or corporation. But no director in this company shall, at the same time, be a director in any bank or any other insurance company.

Sec. 7. That the directors of said company, chosen under the provisions of this act, shall, as soon as practicable, after their election, elect one of their body president of the board of directors, who shall preside at all meetings of the board, until the next election of directors, and in case of his death, resignation, or absence, they shall appoint a president *pro tempore*; they shall fill all vacancies occurring in their own body, until the next election of directors and shall appoint a secretary and all subordinate officers, agents, clerks, and servants of the company or corporation, and fix their salaries, define their powers and prescribe their duties, and remove them and appoint others in their stead, whenever such directors think proper so to do, and the said directors shall make all such rules, regulations, and by-laws for their own government, and for the management

and disposition of the business, property, and effects of said corporation, as to said directors, shall seem needful and proper; *Provided* Every rule, regulation, and by-law, made by said directors, which is contrary to or inconsistent with the provisions of this act, or the provisions of the by-laws of said corporation, established by the stockholders of said corporation as herein provided, shall be utterly void.

Sec. 8. The stockholders of said corporation shall have power to make, ordain, and establish all such by-laws, rules, and regulations, not inconsistent with the provisions of this act, as to them shall seem needful or proper for the government of the directors, officers, agents, and servants of said corporation, and for the management, control, and disposition of the funds, stocks, business, property, [and effects of said corporation, and] for the purpose of making such rules, regulations, and by-laws, a majority of the whole number of the stockholders, shall be a quorum, and all questions before them shall be decided *viva voce*, by a majority of the stockholders present, any two stockholders present, having the right to call for the ayes and nays, and have the same entered upon the journal of their proceedings; *Provided*, That no such by-laws, rules, or regulations shall be made by the said stockholders, except at a regular meeting held in pursuance of the by-laws of said corporation, or at a meeting called by the president of the board of directors, or by any three stockholders; of which called meeting, notice shall be given by advertisement, for at least two weeks, in some public newspaper of general circulation, printed and published in the town of Mount Vernon.

Sec. 9. All questions before the board of directors, shall be decided by a majority of the directors present, including the president or president *pro tempore*, and a majority of the whole number of directors shall constitute a quorum, and be competent to do business at any meeting of the board; and the number of directors may be increased or diminished at any time, by a by-law made by the stockholders; *Provided*, That the number shall not be less than seven, nor more than thirteen.

Sec. 10. And the said directors shall, semi-annually, at such times as shall be fixed by the by-laws made by the stockholders, make and declare such dividends of the profits resulting from the business of said corporation, as shall not, in anywise, lessen or impair its capital stock, and cause such dividends to be paid to the stockholders; *Provided*, That no such dividends shall be paid, except upon the amount of stock actually paid for, or secured to be paid, and all dividends upon stock not actually paid for, or secured, shall be passed to the credit of such stock, as part payment thereof, and the directors may declare any stock not paid for or secured, forfeited, and sell the same again.

Sec. 11. All policies of insurance and other contracts and instruments of writing, made or entered into by, or on behalf of said corporation, shall be signed by the president or president *pro tempore*,

of the board of directors, and attested [by the secretary, and when so signed and attested,] shall be binding and obligatory upon said corporation, with or without the seal thereof; and all such policies, or contracts may be made and signed by the president or president *pro tempore*, and the secretary; and all other business of said corporation, may be transacted and carried on by them, without the presence of the directors, subject to such rules and by-laws, as shall be made in relation to such business; *Provided*, That all conveyances of real estate, shall be executed and acknowledged by the president or president *pro tempore*, alone, with a seal of wax, wafer, or ink scrawl, and all indorsements of bills, bonds, notes, and contracts for the payment of money, and all certificates of deposites shall be signed by the secretary alone, unless otherwise provided by the by-laws of said corporation.

Sec. 12. It shall be the duty of the secretary, at every election of directors or other general meeting of the stockholders, to lay before the stockholders a correct, full, and particular statement of the affairs and condition of the company.

Sec. 13. The stock of said company shall be assignable and transferrable on the books of said corporation, or otherwise, as shall be provided by the by-laws, and subject to such restrictions, conditions, and liabilities, as shall be prescribed by the by-laws of said company.

Sec. 14. The books for the subscription of the capital stock of said company, shall be opened at the town of Mount Vernon, by and under the direction of William J. Lowry, Charles F. Leonard, Hudson Park, Richard Barter, Alvin P. Hovey, John Pitcher and Enoch R. James, or a majority of them, whose duty it shall be to give notice of the time and place of opening books for the subscription of such stock, by advertisement, in a newspaper printed in said town; and it shall be lawful for any person or persons, company, or corporations to subscribe for any number of shares of said stock, and such person or persons, company, or corporation, shall, at the time of subscribing, pay to the commissioners above named, having charge of the stock books, one dollar on each share so subscribed; and it shall be the duty of said commissioners, so soon as four hundred shares of said stock are subscribed, to appoint a time and place, for the election of the first board of directions, and give two weeks' notice thereof, by publication in a newspaper printed in the town of Mount Vernon, and at the time and place so appointed, an election shall be held and conducted as provided by this act, for the subsequent election of directors, except that the commissioners having charge of the stock-books, shall designate the stockholders to act as inspectors; and the board of directors elected in pursuance of this section of this act, should [shall] hold their offices until the first Tuesday in May next, after their election, and until their successors are elected.

Sec. 15. That so soon as the first board of directors shall be elected as above provided, it shall be the duty of said commissioners to pay

over to said directors, and deliver to them all moneys, books, and papers belonging to said corporation, or in anywise relating to the business thereof; and before said company shall issue any policies, or transact any other business involving the rights of persons who are not stockholders, the stock subscribed before the first election of directors, to the amount of at least four hundred shares, shall be fully paid, or the payment thereof secured to the satisfaction of said directors; and when so secured, all stock, whether subscribed before or after the first election of directors, shall be upon the same footing, and entitle the holder thereof to all rights and privileges, and subject such holder to all duties and liabilities to which such stockholder would be entitled, or subject, if the stock so secured to be paid were actually to be paid in money: *Provided*, That whenever the directors shall deem the security given for the payment of any stock insufficient, or likely to become so, they shall order further security to be given; and until such further security shall be given, to the acceptance of said directors, no further dividends shall be paid on such stock, but the same shall be retained and placed to the credit of the stock so insufficiently secured, or likely to become so.

Sec. 16. That when said corporation shall grant and issue any policy or policies of insurance, on any kind of property, against loss or damage from fire, or any other cause or risk, or upon health or life, it shall be lawful for said corporation to charge and receive such a rate of premium as shall be agreed upon by the parties concerned.

Sec. 17. All policies of insurance to be made and entered into by said corporation, shall be assignable upon such terms and conditions as shall be expressed in such policies, or in a memorandum in print or writing, or both, endorsed thereon, or annexed thereto, and referred to in such policies.

Sec. 18. Whenever any loss or damage shall happen for the payment whereof said company shall be liable, it shall be the duty of said company to pay the same within sixty days after receiving notice thereof; and upon judgment obtained by said corporation, there shall be no stay of execution, except judgments for money loaned, or upon promissory notes discounted upon which execution may be stayed, as in case of a judgment in favor of one individual against another.

Sec. 19. The stockholders shall have full power to make all by-laws by them deemed proper for the government of said corporation, and the conduct and management of its affairs and business in the manner in this act prescribed, and not inconsistent with this act, and such by-laws shall be paramount to those made by the directors; and in all cases not provided for by such by-laws, the directors shall have full power to make all such by-laws as to them shall seem proper not inconsistent with this act.

Sec. 20. Whenever it shall become necessary for the payment of debts or liabilities of said corporation, the directors shall have

power to order and require stock secured and not paid, to be paid to said company in such installments, and at such times, as to them shall seem expedient, not inconsistent with the by-laws of said corporation, and the payment thereof may be enforced and compelled by suit brought for the amount ordered to be paid, in the name of said corporation, against any stockholder who may be delinquent; and in any such suit, the declaration shall be sufficient if it show clearly that the defendent is a holder of stock which has not been actually paid for, that the payment of all or any part thereof has been ordered as above provided, but that the same has not been paid; and on judgments or decrees in such cases there shall be no stay of execution, and property levied on for the satisfaction thereof, shall be sold to the highest bidder without appraisment.

Sec. 21. This act shall be deemed a public act, and as such shall be taken notice of by all courts and persons, and it shall take effect and be in force from and after its passage.

Sec. 22. Before said company shall enter into any contracts, or do any business involving the rights or interests of persons who are not stockholders in said company, the president shall make and file in the office of the recorder of Posey county an affidavit, stating therein the number of shares of stock subscribed, and that the same have been paid for or secured as provided for in this act.

Sec. 23. If any president, director, secretary, or other officer or any agent or servant of said company shall make any false account, statement, certificate, or affidavit of, or relating to, the business, funds, money, property, assetts, or condition of said company, knowing the same to be false, and with a view to defraud or injure said company, or any other person or persons, or shall embezzle or fraudulently appropriate to his own use, or to the use of any other person any of the money, choses in action, property, or assets of said company, or any money, property, or choses in action of any other person, on deposite, or otherwise in possession of said company, the officer or person so offending shall be deemed guilty of felony; and for every such offence, upon conviction thereof on presentment or indictment, shall be fined not exceeding one thousand dollars, and be imprisoned at hard labor in the State prison any term of time not less than one year nor more than five years.

The legislature has the right to alter, amend, or repeal this charter.

CHAPTER CLXXXIV.

An act permanently fixing the location of the Greenfield and Franklin state road, within the Counties of Hancock and Shelby.

[APPROVED, JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the Greenfield and Franklin state road as is situate in the counties of Hancock and Shelby, shall remain and continue as originally viewed, marked, and located by George Leachman, and it shall not be competent for any board of commissioners to re-locate the same, or any part thereof, or vacate any portion thereof: *Provided*, That nothing in this act shall be so construed as to affect any re-location of said road heretofore made.

Sec. 2. This act shall be taken as a public act, and be in full force from and after its passage.

CHAPTER CLXXXV.

An act to incorporate the town of Troy, in Perry County.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the inhabitants of the town of Troy, in Perry county, are created a body corporate and politic, by the name and style of the "Corporation of Troy," and by that name shall be capable of contracting and being contracted with, of sueing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, either in law or equity, and in all places whatsover.

Sec. 2. The qualified voters, within the bounds of said town of Troy, shall meet on the first Monday of June, 1850, for the purpose of electing one recorder, and four councilmen, one secretary, one treasurer, one marshal, and one street commissioner; and when so assembled, it shall be their duty to select some suitable person as inspector, who shall select two judges and two clerks, all of whom being duly sworn, shall proceed to conduct said election in the usual manner of conducting general elections.

Sec. 3. It shall be the duty of the inspector and judges of such election, to certify, under their hands and seals, the persons who received the highest number of votes for the several offices above

enumerated, which certificate shall be filed and put on record by the secretary of said corporation. The officers thus elected, shall meet within ten days after such election, or a majority of them, and after taking an oath or affirmation faithfully, diligently, and impartially to discharge their duty, in their several offices, shall be considered as capable of transacting all the business contemplated by this act of incorporation; and in case of any vacancy in any of the [offices] above enumerated, except the office of recorder, the council shall have a right to fill such vacancy. *And be it further enacted*, That all officers, elected under this act, except the recorder, shall serve one year, and until their successors are elected and qualified; which election, after the first, shall be held and conducted by a majority of the council, annually.

Sec. 4. The recorder and council, or a majority of them, shall be a quorum to do business: *Provided however*, That a majority of the whole board shall be necessary to assess a tax or appropriate any sum over ten dollars to any one object; they shall have power to lay off said town into four wards, and to alter or change the boundaries of the same, as they may deem fit, and at the next annual election, one of said councilmen shall be elected in each ward, who shall possess the qualification of a voter.

Sec. 5. The recorder and councilmen of said corporation, and their successors in office, shall gve ten days' notice of each annual election, by written or printed notices, to be put up in one of the most public places in each ward; and no person, who is not a voter, shall be eligible to any of said offices.

Sec. 6. They shall have power to pass all such laws and ordinaces, or decrees, as may be necessary to guard against damage by fire, to organize fire companies and govern the same, to regulate the duty and conduct of the citizens of the town, in relation thereto, to regulate and govern the markets, to prevent the erection of public nuisances in the town, and remove the same, and shall have the sole and exclusive power and authority to keep in repair all necessary streets, alleys, wharfs, and drains, and to pass regulations necessary for the regulation of the same, agreeable to the plan of said town, and generally to enforce, by proper penalty, the observance of all laws and ordinances, relative to the police, and good government of said town: *Provided*, That said board of councilmen may grant to any person or persons, the right to construct said wharf or wharves in front of said town, as may be deemed best to secure and improve the landing thereof, upon such terms as may be deemed best for the interest of said town, for any length of time not exceeding twenty years, such grant or lease to be in writing, and be recorded by the secretary, and filed in his office.

Sec. 7. The recorder and councilmen shall have power to levy annually, and collect on all real and personal property, within the bounds of said incorporation, subject to taxation, a tax not exceeding one-half per centum on its valuation, including improvements; and on all shows and amusements which may be exhibited for gain,

not less than two nor more than ten dollars for each exhibition; and may levy a poll tax on each person subject to pay such a tax for state or county purposes, not exceeding fifty cents, for the benefit of the common treasury of said corporation; they may also assess upon each store, tavern, and grocery license, the same amounts as that fixed by the board doing county business, for such license, which shall be collected by the treasurer, and be paid over by him to the trustees of common schools in said town, for the support of free schools therein.

Sec. 8. It shall be the duty of the recorder to sign all by-laws, ordinances, and decrees of a public nature, and to sign the records of all by-laws, journals, and minutes of their proceedings, and at the first meeting of the recorder and council, after the taking effect of this act, and after each annual election, as soon as may be convenient, the treasurer, marshal, and street commissioner shall each give bond and security in the name of the State of Indiana, for the benefit of said corporation, to the acceptance of the board of councilmen, in any sum not less than three hundred, nor more than one thousand dollars, for the faithful performance of their respective duties, and on failure to perform all or any of the duties of their office, they shall be liable to the suit of the State of Indiana, on their said bond, in the same manner, and under the same restrictions, as suits are brought upon the bonds of constables, in any court having competent jurisdiction; and all recoveries, penalties, or damages, shall be for the benefit of said corporation or for the use and benefit of the person or persons injured by the failure or neglect of said treasurer, marshal, or street commissioner, as the case may be.

Sec. 9. The limits of said town shall, for the purpose of taxation and police, extend to and embrace the in-lots and streets and alleys bordering thereon: *Provided*, That the out-lots of said town may be added to said corporation, upon the petition of the owners thereof, if the board of councilmen shall deem fit, and upon the extension of the limits, as above provided, the petition shall be recorded by the secretary, and be filed in his office, and an order shall be made and recorded, particularly describing the metes and bounds of said incorporation as thus enlarged, a copy of which shall be certified by the secretary, and posted up in three of the most public places in said town: *Provided also*, That for the purpose of removing nuisances, the jurisdiction of said corporation shall extend one-half mile every way beyond the limits thereof.

Sec. 10. It shall be the duty of the marshal, in the month of March annually to take a list of all property, real and personal, subject to taxation for State and county purposes; in taking which he shall be governed by the same laws that govern county or township assessors; he shall return said list to the secretary of said corporation on or before the first Monday in April succeeding, and upon such being returned, as aforesaid, the recorder and council shall sit as a board of equalization, when and where any person considering himself or herself aggrieved, may attend and have

their list corrected; upon the list being equalized and perfected, the recorder and councilmen shall fix the rate of tax, and direct the recorder to make out the amount thereof against the proper person, and deliver a certified copy of said list, and deliver the same to the treasurer on or before the first Monday in June. Said list shall also contain the name of each person subject to pay a corporation [capitation] tax, and the amount assessed on each poll. The assessor shall make his assessment in the same manner and form as assessors of State and county revenue.

Sec. 11. The treasurer shall have the same power and be governed by the same laws as county treasurers, and be subject to the same restrictions and liabilities, and he shall make return of his proceeding to the secretary of the corporation, on or before the first day of November, annually; at which time he shall furnish a list of delinquents, and shall receive a credit, if deemed correct: *Provided*, That nothing herein shall be so construed as to authorize said treasurer to sell any real estate for taxes, but upon the failure or refusal of any owner or owners to pay the tax due on any real estate, such treasurer shall return the same as delinquent to the secretary, who shall make out a true copy of the same and certify it to the county auditor of Perry county, who shall place it on the list of delinquent lands for that year, and advertise it with the same for sale at the same time and place, and the county treasurer shall proceed to sell the same as other delinquent lands are sold, and shall be governed in all things touching the same by the same laws and restrictions, and the same shall be subject to the same penalties as other lands sold for taxes due the State or county.

Sec. 12. The recorder and councilmen shall have power to appropriate the money raised by taxation to any object they deem for the best interest of said corporation: *Provided*, That no appropriation shall be expended beyond the limits of said town.

Sec. 13. All bonds given by the corporation, and all contracts entered into with the same, shall be in the name of the "Recorder and Councilmen of the town of Troy," all suits commenced for the benefit of the corporation, or where the corporation shall be the defendant, shall be in the name of the "Recorder and Councilmen of the town of Troy," without setting forth the name of any member thereof.

Sec. 14. For the better government of the town, the recorder and councilmen are authorized to pass and adopt laws and ordinances for the suppression of immorality, intoxication, rioting, or whatever else may detract from the peace and good order of the society of said town, and for the purpose of carrying into effect this act.

Sec. 15. The recorder shall serve three years and until his successor is elected and qualified, and before entering on the duties of his office, shall give bond and security in the sum of one thousand dollars for the acceptance of the clerk of the court of Perry county, and shall take an oath of office the same as a justice of the peace,

and shall be vested with all the powers and jurisdiction of a justice of the peace, both in civil and criminal cases; and shall be governed by the statutes of the State regulating justices of the peace in civil and in criminal cases, except that for trivial cases, for breach of any of the by-laws of said corporation, he may elect to try the offender or offenders, under either the laws of the State or of the corporation; he shall preside at all meetings of the council, and in case of a tie he shall give the casting vote.

Sec. 16. The marshal shall be vested with the powers of a constable, serve all process issued by the recorder, and be governed in all his official acts by the laws of the State regulating the duties of constable, and shall be entitled to the same fees for similar services.

Sec. 17. the secretary shall attend all meetings of the council, and shall keep a record of all their proceedings in a book kept for that purpose, he shall enter in such record all laws and ordinances passed, giving the name of each person voting for [and against] the passage of such law or ordinance; he shall also keep a separate record, in which he shall transcribe all laws and ordinances; he shall give to the marshal a certified copy of each law and ordinance, within three days after its passage; who shall cause the same to be published three successive weeks in some newspaper published in said town, or if no newspaper is published therein he shall put up one copy of the same in some public place in each ward.

Sec. 18. No law or ordinance shall be in force or take effect until the same has been published for three weeks, as provided for in the preceding section. The marshal shall be allowed such commission for collecting taxes as may be deemed just and right by the board of council, and for all other services not herein provided for, a reasonable recompense to be allowed by the council.

Sec. 19. The street commissioner shall have control over all the streets, alleys, and wharves, subject to the direction of the recorder and council, and shall be allowed for his services, such sum from time to time as the board of council shall deem reasonable and just.

Sec. 20. All penalties assessed for breach of any of the by-laws or ordinances of said corporation, shall be for the use of common schools in said corporation. This act to be in force and take effect from and after its passage.

Sec. 21. The Secretary of State is hereby required to send two extra copies of the local laws of this session to Perry county for the use of the corporation of Troy, for which the corporation shall pay the treasurer of Perry county, to be paid by him into the State Treasury, in such manner as the Secretary may direct.

CHAPTER CLXXXVI.

An act to locate a State road in the counties of Henry and Delaware.

[APPROVED JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Enoch Nation of the county of Delaware, and John Taylor and Michael Swope of the county of Henry, be, and they are hereby appointed, commissioners to view and locate a State road commencing at some suitable point on the State road on the premises of Joseph Wilson in Delaware county and running thence in a south-westerly direction until it intersects the section line leading south from the south end of the main cross streets in the town of Muncie, thence south on the section line aforesaid or as near thereto as the ground will permit until it intersects the State road leading west from the town of New Castle in the county of Henry, near the crossing of Blue river, upon the lands of Wesley Goodwin, thence east to the said town of New Castle, *Provided, however*, That if, in the judgment of said commissioners, individual rights and the public good would be better promoted by commencing said road in the village of Luray in the county of Henry, they are hereby authorized and directed to commence at said village, and running thence in a south-westerly direction to the aforesaid section line, and thence south, as provided in this act.

Sec. 2. The said commissioners, or any two of them, shall meet at the beginning point named in the first section of this act, on the first Monday of March next, or as soon thereafter as they shall agree upon, and, after being qualified according to law, shall proceed to view, mark out, and locate, said road, upon the route as proposed in the first section of this act, or as near thereto as good ground can be had; and in all things said commissioners shall be governed by the law now in force, except so far as the provisions of this act may conflict with the same.

Sec. 3. Said commissioners shall report their proceedings after the location of said road, as required by the law now in force, and shall be allowed in addition to the allowance now provided for by law their expenses actually paid out while engaged in their duties as such commissioners, to be allowed and paid as other expenses for like services are now by law directed to be paid.

Sec. 4. This act to be in force from and after its passage, and it is hereby made the duty of the Secretary of State to cause a certified copy of this act to be filed in the clerks' offices of the counties of Henry and Delaware previous to the first day of March next.

CHAPTER CLXXXVII.

An act to incorporate the Pittsburgh Library Institute.

[APPROVED JANUARY 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That C. W. Colton, R. H. Polock, J. T. Tytell, W. H. Shaw, and Charles Angell, together with such other persons as may associate together with them for the purpose of advancing the cause of education and diffusion of useful knowledge, are hereby constituted a body corporate and politic, and shall be known by the name of the Pittsburgh Library Institution, in Carroll county, Indiana, and shall by that name have power to sue and be sued, to form a constitution and by-laws, and to alter or amend the same at pleasure, to make and use a common seal, to hold property, both real and personal, to buy and sell or otherwise dispose of the same at pleasure: *Provided however*, The said corporation shall not hold property to the value of more than three thousand dollars. To do and perform all other acts necessary to carry this act into full and complete effect, not being contrary to the constitution of this State or the constitution of the United States.

Sec. 2. The officers of this institution shall consist of a president, vice president, secretary, treasurer, librarian, and three trustees, who shall be elected as often as the constitution and by-laws may direct.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXXVIII.

An act for the relief of Samuel Scott, sen., of Posey county.

[APPROVED JANUARY 12, 1850.]

WHEREAS, Samuel Scott, sen. of Posey county, was a soldier in the army of the United States during the last war between the United States and Great Britain; AND WHEREAS, During that war he received sundry wounds in the battle of New Orleans; AND WHEREAS, He is now seventy-nine years of age, and in consequence of his wounds and age is scarcely able to provide for himself a comfortable living with the aid of a small pension which he receives from the United States: THEREFORE,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the said Samuel Scott, sen., and his property to the value of three hundred dollars, shall be exempt from taxation, and shall not be taxed for any purpose whatever.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CLXXXIX.

An Act for the relief of Hugh M. Stevenson and James Wilson, of Wabash county.

[APPROVED JANUARY 19, 1850.]

WHEREAS, It is the true policy of the State of Indiana to hunt out and bring to justice the abandoned villains who disturb the community with the assassin's knife or midnight burglaries, which can only be done by paying a just compensation to active individuals who are instrumental in bringing them to punishment; AND WHEREAS, Hugh M. Stevenson and James Wilson, two active and energetic officers of Wabash county, pursued and brought to justice a notorious horse thief and murderer, riding both day and night, a distance of two hundred miles, into the State of Michigan, incurring great expenses in traveling and for horse hire, besides exposing themselves to great personal danger in recapturing the desperate villain who killed one of their assistants and wounded another at the time of capture: THEREFORE,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hugh M. Stevenson and James Wilson of Wabash county be allowed the sum of fifty dollars each for pursuing and capturing the aforesaid murderer, to be paid out of any moneys in the State treasury not otherwise appropriated.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXC.

An Act to incorporate the Cannelton Savings Institution.

[APPROVED JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Elisha M. Huntington, James Boyd, Alexander M. McGregor, Shubal Little, Amaziah P. Hubbs, James C. Porter, Nicholas Vaughn, and J. B. Maynard, and their successors, shall be, and they are hereby constituted a body corporate and politic by the name of the "Cannelton Savings Institution," and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever.

Sec. 2. The real estate which it shall be lawful for the said corporation to purchase, hold, and convey, shall be—

1st. Such as may be requisite for its accommodation for the convenient transaction of business.

2d. Such as shall have been mortgaged to it in good faith for money loaned in pursuance of the provisions of this act.

3d. Such as shall have been purchased upon sales upon judgments, or decrees obtained or rendered for money so loaned, and the said corporation shall not purchase, hold, or convey real estate in any other case, or for any other purpose; and all such real estate as is described in the second and third sub-divisions of this section, shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise, and the said corporation shall not directly or indirectly deal or trade, in buying or selling any goods, wares, or commodities whatever, except in the cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of business.

Sec. 3. The trustees of said corporation shall not directly or indirectly as such, receive any pay or emolument for their services.

Sec. 4. The business of said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice presidents, and such other officers as they may see fit. Six of the said trustees, of whom the president, or one of the vice presidents shall be one, shall form a quorum for the transaction of business, and the affirmative vote of at least five members of the board shall be requisite in making any order for, or authorizing the investment of any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom.

Sec. 5. The persons first named in this act shall be the first trustees of the said corporation, and all vacancies by death, resignation, or otherwise, in the office of trustee, shall be filled by the

board, by ballot, without unnecessary delay, and at least five votes shall be necessary to the election of any trustee. The said trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of said corporation, and to transact such other business as may be necessary, and any trustee omitting to attend the regular meetings of said board for six months in succession, may, thereupon, at the election of the said board, be considered as having vacated his place, and a successor may be elected to fill the same. The Supreme Court of this State may, at any time, for due cause, remove any trustee, on proper notice to said trustee, and affording him an opportunity to be heard in his defence.

Sec. 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums as may be from time to time offered therefor by tradesmen, clerks, mechanics, laborers, minors, servants, and others, and investing the same in the securities or stocks of this State, or of the United States, or in the stock or bonds of any city, authorized to be issued by the Legislature of this State, or in such other manner as is authorized by this act for the use, interest, and advantage of the said depositors, and their legal representatives. And the said corporation shall receive, as deposites from persons of the descriptions above mentioned, all sums of money which may be offered, but no sum larger than three thousand dollars shall be received from one individual, for the purpose of being invested, as aforesaid; which shall, as soon as practicable, be invested accordingly, and shall be repaid to such depositor when required, at such times, with such interest, and under such regulations as the board of trustees shall from time to time prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice president, trustee, officer, or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation, or its deposites, or, in any manner use the same, or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates, or other evidences of deposit, made by the proper officer of such corporation, shall be as binding on the corporation as if they were made under their common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive as nearly as may be a rateable proportion of all the profits of the said corporations, after deducting all necessary expenses. No moneys deposited in the said institution shall be vested, except in the securities of stock mentioned in this section, in opposition to the vote of any trustee, but by the consent and approbation of all the trustees present at a regular meeting, amounts not exceeding three thousand dollars to any one individual may be loaned, on unincumbered productive real estate, worth, exclusive of buildings thereon, at least

double the amount to be secured thereby. In all cases of loans upon real estate, a sufficient bond, or other satisfactory personal security, shall be required of the borrower, and all expenses of searches, examinations, and certificates of title, and of drawing, perfecting, and recording papers, shall be paid by such borrower. And it shall be the duties of the trustees of said corporation to invest, as soon as practicable, in public stocks, or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund, if not exceeding twenty-five thousand dollars, or not exceeding one-third of the total amount of deposites with said institution, at the discretion of the said trustees, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposite, on interest, or otherwise, or in such available form as the trustees may direct. *Provided*, That it shall not be lawful for said company to loan or borrow money, or receive any money on deposit at any greater rate of interest than six per centum per annum. Nor shall said company be authorized to issue any bills of credit or other circulating medium by virtue of the provisions of this charter.

Sec. 7. The board of trustees of the said corporation shall have power, from time to time, to make, constitute, ordain, and establish such by-laws, rules, and regulations, as they shall judge proper for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for the regulation of the times of meetings of the officers and trustees, and generally for transacting, managing, and directing the affairs of the corporation: *Provided*, such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this State, or the United States.

Sec. 8. The subordinate officers and agents of the said corporation shall, respectively, give such security for their fidelity and good conduct as the board of trustees may, from time to time, require; and said board shall fix the salaries of such officers and agents from time to time.

Sec. 9. The said corporation shall, in the month of January, and in every year hereafter, make a report to the legislature of this State, of their funds and investments, and a similar report semi-annually to the circuit court of Perry county.

Sec. 10. The books of the said corporation shall, at all times during their hours of business, be open for inspection and examination to the treasurer of this State, and such other persons as the legislature or the treasurer of State shall designate or appoint as their agent for such purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the treasurer of State shall certify to be reasonable and just.

Sec. 11. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discreetion, pay to such depositor such sums as may be due to him or her, although

no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor.

Sec. 12. The board of trustees shall, in the month of January in each year, report to the legislature the aggregate amount of deposits on hand, with the interest which has accrued thereon, and also the unclaimed deposits, on which at least the sum of ten dollars shall then be due, and which shall have been deposited by persons who have not, within the two years next preceeding said report, made a deposit or received a dividend or payment from said corporation, and shall publish the same in one of the newspapers published in [the] town of Cannelton. The misnomer of said corporation, in any instrument, shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

Sec. 13. The supreme court may, at any time, on the application of any trustee or depositor in said institution, and on reasonable cause shown therefor, to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers, and business of said corporation shall be open and subject to the examination of such person or persons; and the trustees, and officers, and clerks thereof, or any other person, may be examined on oath by such person or persons; and the said court may confer such other powers in the person or persons so appointed, as they may consider necessary for the more thorough and perfect examination of the affairs and business of the said corporation. The said person or persons so appointed shall report the result of their investigation to the said court, who, if satisfied thereby that any officer, trustee, or servant of said corporation, has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation, as the said court shall deem expedient.

Sec. 14. The legislature reserves the right to repeal or amend the foregoing charter, at any time, by a vote of a majority of the members elect of each branch of the General Assembly.

Sec. 15. The stockholders, trustees, or directors of said corporation shall be liable in their individual capacity for all the debts, contracts, and liabilities of said corporation, not paid in their corporate capacity.

Sec. 16. This act to take effect and be in force from and after its passage.

CHAPTER CXCI.

An act to incorporate the town of Shelbyville, in the county of Shelby.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of Addison township, in the county of Shelby, and which is included in the following boundaries, to-wit: all of the north-west quarter of section five, township twelve north, of range 7 east; also, all that part of the west half of the north-east quarter of said section five, that is now recorded as a part of the town of Shelbyville; also, all that part of the south-west quarter of section thirty-two, and all that part of the south-east quarter of section thirty-one, in township thirteen north, of of range seven east, that is included in the following boundaries, to-wit: commencing at the south-east corner of said south-west quarter of section thirty-two, and running thence north on the line dividing the south-west quarter from the south-east quarter of said section thirty-two, in the township and range aforesaid, until said line strikes the south line of James Elliott's and John Elliott's mill property, thence south seventy-seven degrees west, to the south bank of the said Elliott's mill race, thence down said mill race to the west side of Harrison street, thence south on said street to the north line of Grave street, thence west on said north line of Grave street, to the west line of New York street, thence south on said west line of New York street to the congressional township line dividing said sections thirty-one and thirty-two, from said section five, thence east on said township line to the place of beginning; also, such additions of in-lots and out-lots as now recorded, or may hereafter be made to said town of Shelbyville, as soon as the same is recorded in the recorder's office of said county of Shelby, be, and the same is hereby erected into a corporation, by the name of the town of Shelbyville.

Sec. 2. That for the governing of said corporation and the inhabitants thereof, there shall be elected one person to serve as mayor, and one councilman for each ward of said corporation; the mayor, when elected, shall serve three years, and the councilmen one year, and until their succesors are elected and qualified.

Sec. 3. No person shall be eligible to the office of mayor who is not a citizen of the United States, twenty-five years of age, and who shall not have resided in the town of Shelbyville one year next preceding his election, and no person shall be eligible to the office of councilman, who shall not have resided in the ward for which he may be elected, three months, and within the corporation one year next preceding his election, and no person shall be qualified to vote for mayor and councilmen, who has not resided for the last three months preceding the election in the corporation, and who

shall not be a citizen of the State of Indiana, and no person shall be qualified to hold any office in said corporation under this act, or to vote, who is not twenty-one years of age at the time of the election, and a white male citizen of the United States.

Sec. 4. That at the first election for mayor and councilmen, under this act, the election shall be conducted by the president and clerk of the board of trustees, for the town of Shelbyville, who may then be acting as such, and each succeeding election shall in like manner be conducted by the president and secretary of the town council; said election to be held annually, on the first Saturday of April in each year, and to be opened and closed between the hours of ten o'clock A. M., and five o'clock P. M., of said days, when said election is closed, the officers conducting the same shall examine the poll book and tickets, if required by any voter, and they shall give to each person having a plurality of votes at said election, a certificate of his election to the office for which he shall have been elected, and each of said officers shall, within five days after notice of his election, take an oath or affirmation to support the constitution of the United States and of this State, and faithfully and impartially to discharge the duties of his office, which oath or affirmation shall be endorsed on the certificate of his election.

Sec. 5. The mayor, before entering upon the duties of his office, shall give bond and security for the faithful discharge of the duties of his office in all respects, as is required of justices of the peace, which bond shall be taken, approved, and filed by the same officers and in the same manner as is provided in cases of bonds given by justices of the peace, and may be put in suit from time to time, and recovery had by all persons aggrieved by the official acts of such mayor.

Sec. 6. The mayor shall be a conservator of the peace within said corporation, and shall have all the power and authority, rights, jurisdiction, and immunities of a justice of the peace, for the trial of civil causes within the township of Addison, in said county of Shelby, and for the trial of violations of the penal laws of this State, within said county, said mayor shall have the same jurisdiction as justices of the peace now have, and may hereafter have, and be governed by the same rules and regulations as justices of the peace within said county are governed, and he shall be authorized to direct any process by him issued to the marshal of the said corporation, or to the proper constable of said township or county, as the case may require, who shall be bound to serve and return the same, as constables are bound to serve and return other process, and said mayor shall be empowered, upon view, or upon information verified under oath or affirmation, of the violation of any law or ordinance of the corporation to issue his warrant under his seal, and cause the person charged with such violation, to be brought before him, and to summon witnesses, and issue attachments therefor, and hear and determine any and all such accusations, and generally to impose fines, render judgments, and award executions thereon, or to recog-

nize the accused to appear before the Circuit Court of said county of Shelby, to answer the charge, and in default of such recognizance, to commit him to the jail of the county, and to allow and tax fees to witnesses, correct the fees of officers, and generally to do all the acts in the premises which a justice of the peace may do to hold his court and enforce his judgments, and when any person shall be convicted and adjudged guilty by him of any offence against the laws of this State, or the ordinances of said corporation, said mayor shall have power to impose a fine on such person, or to cause him or her to be imprisoned in the county jail, not exceeding ten days, as may be provided by such ordinance, or by the laws of the State, and all judgments rendered by the mayor shall have the force and effect of judgments rendered by justices of the peace, and may be replevined in like manner, and in all cases, the said mayor before whom any cause may be pending, heard, or determined, shall in all things be governed by the laws of this State, now or then in force, granting appeals, changes of venue, continuances, and recognizing so far as the same are applicable. The mayor shall be entitled to receive the same fees and costs as a justice of the peace for similar services, and to collect the same in like manner: *Provided*, That the corporation shall not be liable to the mayor, marshal, constables, jurors, or witnesses, for any costs, unless the same shall be specially allowed by the council: *And provided further*, That no person who shall be committed by the mayor to the county jail for the non-payment of any fine, shall be discharged therefrom till he or she shall have remained in said jail one day for each fifty cents of such fine.

Sec. 7. The marshal, constables, jurors, and witnesses shall be entitled to the same fees for services in causes and trials before the mayor, that are now allowed, or may hereafter be allowed for similar services before justices of the peace, and all process issued by the mayor, in case of the violation of the laws and ordinances of the corporation, or the laws of the State, may be served in any part of the county of Shelby.

Sec. 8. The town council, (two-thirds of the members of which shall constitute a quorum to transact business,) shall, and may, from time to time, hold sessions of their body in said corporation, at such place as they shall appoint, and shall have full power and authority at such sessions to pass and publish all such laws and ordinances as to them shall seem necessary, relative to the regulation and improvement of streets, alleys, side-walks, roads, and highways, to clearing, raising, draining, turnpiking, McAdamizing, or otherwise making and keeping the same in repair; to making, causing, and requiring the owner or owners of in-lots to pave or otherwise improve the side-walks in front of his or their respective in-lots; to establish and regulate markets; to regulate the sale of hay and wood within the corporation, and to restrain or regulate hogs in running at large within the corporation: *Provided*, That nothing herein shall be so construed as to subject hogs, sheep, cattle, horses, or other animals, not belonging to persons living within the corporation, to be abused, taken up, or sold, for being driven in and passing through the said corporation; to regulate buildings, public or private, to cleaning chimneys, planting trees for ornament or use, public or private, to dogs running at large, or being kept in the corporation, to preventing and extinguishing fires in the corporation, to regulate the heighth and extent of fences before door-yards, and to provide ordinances for imposing reasonable fines and penalties upon all persons violating the laws and ordinances as the said town council shall deem necessary and proper for the health, safety, cleanliness, convenience, and good government of the town, and the inhabitants thereof, not contrary to the laws of the United States, or of this State, all of which laws and ordinances, passed as aforesaid, shall be kept by the mayor, and shall be published in one of the public newspapers in the town, after which publication, the same shall be in force, and so shall remain, until repealed or annulled by the town council, or adjudged unconstitutional by the circuit or supreme court of this State.

Sec. 9. The town council shall appoint a secretary, treasurer, assessor, marshal, and such other officers for the town as they shall deem necessary to carry into effect the powers herein granted, so as to promote the best interests of the inhabitants of the town of Shelbyville, and shall prescribe the duties of such officers, not inconsistent with the provisions hereof. Before the treasurer or marshal shall enter upon the duties of his office, he shall be required by the town council to execute bond with good freehold security, to their acceptance, for the faithful discharge of the duties of his office, in such penalty, and with such condition as the council shall prescribe. And it shall be the duty of the council to require bond and good freehold security from all officers by them appointed, in like manner, any and all of which bonds may be put in suit by all persons aggrieved by the official acts of such officers, and certified copies of the bonds shall be sufficient evidence of their existence and validity.

Sec. 10. The marshal shall be the street commissioner, and shall also have the power and authority and liabilities of a constable of any township within the corporation, and it shall be his duty to attend all meetings of the town council, and carry into effect their orders, and to serve and return all process directed to him by the mayor, in any case over which the mayor may have jurisdiction, and to discharge all other duties relative to the police of the corporation as may be required of him by the ordinances passed by the town council.

Sec. 11. It shall be the duty of the marshal, as the street commissioner, to see that the roads, streets, sidewalks, and alleys of said town, are kept in as good repair as the means in his power will enable him, and all funds raised for the purpose of repairing said streets and alleys in said town, shall be expended by him, under the orders and directions of the town council; *Provided*, That

no payments shall be made out of any money in the treasury, upon any contract made or to be made by him, until the same has been submitted to and approved by the common council.

Sec. 12. It shall be the duty of the treasurer, to collect, receive, keep, and disburse on the warrant of the town council, all moneys required to be collected by him, or which shall come to his hands by virtue of his office, and faithfully to account for the same, in such manner as the common council shall, from time to time, prescribe or require.

Sec. 13. The town council shall meet at such times as they may deem necessary, and the president thereof, shall have power to call a meeting of said council, whenever he thinks proper so to do, or any emergency may require it. Said council shall, at their first meeting, after their election, elect one of their body president, who shall preside over the sessions and shall sign all orders, laws, and ordinances of the town council, and his signature as president, with the attestation of the secretary, under the seal of the corporation, shall be *prima facia* evidence of the validity thereof, and the said council shall audit and allow all proper claims against the corporation, and make all appropriations and issue all warrants for the payment thereof.

Sec. 14. The secretary, treasurer, marshal, and all other officers appointed by the common council, shall hold their offices until the next annual election after their appointment, and until their successors are appointed and qualified, and shall receive for their services to the corporation, such annual compensation as the town council shall deem proper to allow, a majority of all the councilmen elect, concurring therein, which shall not be enlarged or diminished during the term of the officer so appointed, and no extra allowance shall be made to such officer, unless by a vote of two-thirds of the councilmen elect, upon which vote, the same shall be taken by yeas and nays, and be entered on the journal of the proceedings of the council; *Provided*, That the compensation to the treasurer shall not exceed eight per centum on the amount collected by him, on the duplicates. And all of said officers shall be subject to be removed [from office] by the town council, (two-thirds of the councilmen elect concurring therein,) for malfeasance in office, habitual drunkenness, or other conduct or neglect of duty, as shall make such removal necessary and proper; *Provided*, That no such removal shall take place, until the officer shall have been furnished with a written statement of the causes of complaint against him, and shall have an opportunity of being heard before the council in his defence, and the council shall have full power to fill all vacancies in such offices.

Sec. 15. The mayor shall keep a docket in which he shall enter the causes brought before him, and shall, on request of either party, and the payment of his fees, make and certify transcripts of his proceedings and judgments, which shall have the force and effect of transcripts from justices of the peace of their judgments and

proceedings, and may, in like manner, be filed in the clerk's office of the circuit court, and shall bind real estate, and proceedings thereon, shall be had to execution, as are provided in cases of transcripts from the judgments of justices of the peace; and an appeal in all cases, (except from judgments by confession,) shall be allowed to either party from the judgment of the mayor to the circuit court, subject to the provisions of law regulating appeals from the judgments of justices of the peace, and the trial by jury, shall remain inviolate in all proceedings before the mayor, when the amount in controversy, or the penalty that may be imposed, shall exceed twenty dollars, or when imprisonment for a violation of the laws or ordinances of the corporation may be imposed; or in cases when a jury shall be allowed by the laws of this State, before justices of the peace; in which cases, the jury shall fix the amount of fine or penalty, and the extent of the imprisonment, not inconsistent with the laws of the State, and the by-laws and ordinances of the council, and upon all such trials, it shall be no legal objection to the mayor, marshal, constables, jurors, or witnesses, that they may reside in the town, and be subject to pay a corporation tax, for the use of the town, and all process shall run in the name of the State of Indiana, and shall be signed and sealed by the mayer, except summonses for witnesses, which may not be sealed.

Sec. 16. The town council shall be allowed the use of the jail of Shelby county, and all persons imprisoned therein, under the authority of this act, shall be under the charge of the keeper of the county jail, as if committed by a justice of the peace.

Sec. 17. It shall not be lawful for any person or persons, within the bounds of said town, as specified in this act, to sell by retail, any spirituous, distilled, or fermented liquors, foreign or domestic, except for medicinal, mechanical, or sacramental purposes, nor shall it be lawful for any person or persons, to keep within the limits aforesaid, what is commonly called a "tippling house," or any place or house to vend spirituous, distilled, or fermented liquors, foreign or domestic, by retail, unless such person or persons shall, in addition to such license as the board doing county business, may require, obtain a license from the town council, who is hereby authorized to grant the same to such applicant, for one year, upon his, her, or their paying into the treasury of the corporation, a sum not exceeding five hundred dollars, and not less than twenty-five dollars, at the discretion of the town council. And if any person or persons shall sell by retail any spirituous, distilled, or fermented liquors, or keep what is commonly called a "tippling house," or any other house or place within said town, or knowingly suffer and permit any other person or persons to sell, within the aforesaid limits, such liquors by retail, in his, her, or their house, or authorize, houses, or shops, tents, sheds, or booths, or to keep therein, what is commonly called a "tippling house," or in any other place or manner, without having first obtained the license aforesaid, he, she, or they so offending, shall forfeit and pay any sum not exceeding one hundred dol-

lars, and not less than ten dollars, for every such offence, to the common council, to be recovered before the mayor, in an action of debt. And for the better regulation of said town, the common council is hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society in said town.

Sec. 18. All suits for the violation of the laws and ordinances of the corporation, shall be brought in the name of "the Town Council of Shelbyville," before the mayor of the town, and all bonds given by the officers elected or appointed under this act, shall be made payable to "the Town Council of Shelbyville," and shall not be void or satisfied upon the first recovery, but may be put in suit, from time to time, by the party aggrieved by the official acts of such officers.

Sec. 19. Should the mayor of the town die, remove out of the town, [resign,] be removed from office, or otherwise vacate his office, it shall be the duty of the president of the town council, forthwith, to advertise in three public places, in said town, one of which shall be at the court house door, that an election will be held in said town, at the usual place of holding elections, to fill such vacancy, said election shall be held in not less than seven days, nor more than fifteen days after the same shall be duly advertised. Said election shall be conducted and governed in all things, as other elections in said corporation are conducted and governed, and the mayor thus elected, shall give bond, take an oath of office, and have all the powers and jurisdiction of a mayor, elected at the regular elections of said corporation, and shall be entitled to the docket, to proceed theron, and give transcript thereof, and shall hold his office for the residue of the term unexpired, of his predecessor, and if the office of a councilman should become vacant, it shall be the duty of the town council, by a vote of a majority of remaining councilmen, to fill such vacancy, by electing a councilman for the proper ward, possessing the necessary qualifications, who shall take the proper oath, and hold his office for the unexpired term of his predecessor.

Sec. 20. The compensation of members of the town council, shall be fixed by ordinance, and shall not be increased during their term of service, unless upon a vote of two-thirds of the whole number of the members of said council, which vote shall be by yeas and nays, and shall be entered upon the journals or records of said council, and no member of said town council, shall hold or make any contract with the council, or become interested in any job, by which he shall, in any way, directly or indirectly receive any pay or compensation whatever, except when he shall be the lowest bidder at a public or competition bid, and all contracts made in violation of this section shall be void.

Sec. 21. When any law or ordinance shall be passed by the town council, it shall be signed by the president and attested by the secretary, and after being published, as herein provided, shall be in force, and no law or ordinance shall be passed by the town council,

nor tax levied, nor assessment, contract, or appropriation made, but by a vote in the affirmative, of a majority of all the councilmen elect.

Sec. 22. The town council shall have power to levy and collect a tax or license money on all concerts, theatres, shows, exhibitions, auctions, pedlars, and amusements within the town, and to pass such laws and ordinances as may be necessary to guard against fire, to organize fire companies, and to govern the same, and to regulate the duties and conduct of the inhabitants of the town, in relation thereto, and to regulate and govern the markets. They shall have full power in like manner, by ordinance, to prevent the erection or keeping up public nuisances, within the corporation, and to abate and remove the same, and to enforce, by proper penalties, the observance of all laws and ordinances, relative to the police and government of the town, not inconsistent with the laws of this State.

Sec. 23. No tax for license on any of the matters contained in the twenty-second section of this act, or upon any auction, shall exceed the sum of fifty dollars for any one day, and no tax shall be levied nor license required from the council for any concert, theatre, show, exhibition, or amusement, not made or exhibited for gain, nor for any literary or scientific exhibition, if, in the opinion of the council, it shall be of that character. All taxes for license shall be paid to the treasurer of the corporation before the license shall be granted, and upon his receipt being filed with the secretary, he shall make out and attest a license, to be signed by the president of the council, who shall sign the same; but the rates of all licenses shall be fixed by the town council, and for all violations of any law or ordinance regulating the same, suit shall be brought before the mayor, in debt, as in other cases, and bail for the appearance of all of the non-residents of the county may be required, unless such person or persons shall elect forthwith after service to enter into trial.

Sec. 24. The written ordinances and acts, as the same, shall be kept and entered on the records and journals of the town council, or a certified copy thereof, shall be *prima facie* evidence of the validity of such laws and ordinances.

Sec. 25. No suit brought before the mayor shall be discussed or delayed for the want of form in any pleading, cause of action, or form of action, and amendments and continuances shall be made and allowed by the mayor, upon such terms as he shall deem equitable, and all penalties imposed and collected for the violation of the laws and ordinances of the common council shall be paid into the treasury of the incorporation for the use of said town.

Sec. 26. The town council shall have exclusive jurisdiction over all streets, roads, side-walks, and alleys, for the purpose of vacating, opening, and repairing the same, and it shall be the duty of the council to provide for the opening and keeping the said roads, streets, side-walks, and alleys in repair, and for grading the same, and for

building and repairing all necessary culverts and bridges; and it shall be the duty of the marshal, as the street commissioner, to obey all such by-laws and ordinances of the council in relation to said streets, alleys, side-walks, culverts, and bridges as said council shall, from time to time provide; and for any neglect on the part of the marshal in the performance of his duty, he shall also be liable to any person injured, for such damages as he or she may have sustained, which may be recovered before the mayor, by action on the marshal's bond, or otherwise.

Sec. 27. Each able-bodied male citizen of the age of twenty-one years and under the age of fifty years, who shall have resided in said town for ten days before the time of assessing the taxes, shall be required to pay a road tax of one dollar, to be applied to the roads, streets, and alleys of said town, which may be discharged by two days' work on such road, street, or alley, as the marshal shall direct, and the time for doing such work shall be fixed by the marshal.

Sec. 28. The town council shall have power to lay off the town into suitable districts for common schools, and to provide by ordinance for erecting the necessary buildings for the accommodation of schools, and to appoint suitable teachers and superintendents therefor, and to regulate the same, and to lay and collect a tax for the support of said schools, of not more than ten cents on each one hundred dollars' worth of taxable property, real and personal, within the corporation, to be collected as other taxes for the use of the corpooration are collected.

Sec. 29. The town council may, for the purpose of improving the streets and alleys of the town and for other purposes, assess, levy, and collect taxes annually upon all polls, and all personal and real property, subject to a State or county tax, that may be in said corporation, including all stocks in chartered companies or moneyed corporations, held or owned by citizens of said town, and on all real estate of religious or literary institutions, other than the lots or parcels of ground upon which their houses of public worship, colleges, or seminaries may be situated, and upon all dogs owned or kept in said corporation. The poll tax not to exceed one dollar on each poll, the dog tax not to exceed one dollar on each dog owned or kept in town, and the property tax shall not exceed fifty cents on each one hundred dollars' worth of taxable property real and personal, in said town, unless three-fourths of all the inhabitants subject to taxation in said town shall by a vote, given at the annual election, allow and vote for a higher amount of taxes, to be levied and collected by and under the direction of said council: *Provided*, That the town council shall have the option of adopting the county assessment of the property and polls within said town as the basis of taxation for the year.

Sec. 30. The election of mayor and councilmen may be contested as follows: that of the mayor before the president and council, and that of a councilman before the mayor, and said contests shall be governed in all respects by the laws in force regulating contested elections of county officers: *Provided*, That said contests shall be commenced within ten days next after the election of either of said officers.

Sec. 31. A failure to hold any election, under this act, of the officers of said corporation, shall not be a forfeiture thereof, but such election shall be held at such other time as the common council shall appoint.

Sec. 32. The mayor or any councilmen may be removed from office for mal-conduct, habitual drunkenness, or the commission of high crimes and misdemeanors; and all such proceedings against the mayor shall be had upon information upon oath or affirmation filed before the president of the town council; and all such proceedings against a councilman shall be had upon information upon oath or affirmation, filed before the mayor; which officers are respectively authorized and empowered hereby to try the same, and all such proceedings shall be had in the name of the State of Indiana; and the defendant shall have the right to a fair and impartial jury trial, and to challenge ten jurors peremptorily; and upon conviction of any of such officers, judgment of removal from office, with costs, shall be given, from which judgment an appeal shall be allowed to the circuit court of Shelby county, where the case shall be tried upon its merits, and if the judgment shall be affirmed, the court shall further adjudge that the defendant shall not be eligible to hold any office under this act for two years thereafter.

Sec. 33. All suits, actions, and prosecutions for penalties or violations of the by-laws or ordinances of the corporation, shall be brought within one year after the violation complained of, unless the offender shall not, during all of said time, have resided in the corporation, or been subject to its process, and in that case such prosecution, action, or suit shall be commenced within one year next after the defendant shall have been within the jurisdiction of the mayor, and upon all judgments rendered for violations of the laws or ordinances of the corporation, or against officers of the corporation, and their sureties, there shall be no appraisement or valuation of property when offered for sale upon execution to satisfy said judgments, and on recoveries against defaulting treasurers or marshals, ten per cent. in damages shall be added to the judgment rendered, upon which there shall be no appraisement or valuation of property, and all the officers of the corporation shall, on the expiration of their term of office, account to the town council elect, for all the moneys, books, and papers in their hands.

Sec. 34. It shall be the duty of the town council to keep a record of all its proceedings, to be drawn up each day by the secretary, and signed by the president of the council, copies from which, certified by the secretary and signed by the president, and sealed with the corporation seal, shall be evidence of the same in all courts and elsewhere, and it shall be the duty of the town council to devise and keep a corporate seal, a description of which shall be entered

on their records, and all the official acts, orders, and copies of records of said town council, and all process and official acts of the mayor shall be sealed therewith.

Sec. 35. It shall be the duty of the corporation assessor to make a fair list, in alphabetical order, of all persons subject to a poll tax or a road tax, and all personal property, and on all dogs left [kept] in the town; also, all lands, lots, and fractions of lots liable to taxation for State or county purposes, situate within the limits of said corporation, shall be valued, and taxes shall be levied, on all of said property, both real and personal, according to their true cash value, for the purpose of raising a revenue for the use of said corporation. The said assessor shall particularly note the numbers of the lots, and to make other full descriptions thereof, to give the owners' names, if known, whether resident or non-resident, and having completed such assessment, he shall, on or before the first day of June next succeeding, make return to the town council of such assessment, duly attested by him.

Sec. 36. On the first Saturday of said month of June in each year the town council shall hold a regular meeting, which shall be a time for appeals, to correct all illegal, unjust, or improper assessments, made by the assessor: *Provided*, That nothing herein contained thall prohibit said council from fixing upon another day for the correction of assessments, and all errors and mistakes therein, and of which ten days' notice shall be given by written advertisements set up, one in each ward.

Sec. 37. The assessor, in making out his assessment, shall take an appraisement and valuation of the aggregate amount of all personal effects, goods, wares, and merchandize, within the limits of the corporation, and all money at interest owing to the persons to be taxed, more than they pay interest for, and all other debts owing to them from solvent persons more than they are indebted for, all public stocks, stocks in chartered companies, owned by citizens of the town, and moneyed corporations, whether within or without this State. The assessor, in taking the appraisement [and valuation] as aforesaid, shall visit the dwellings, stores, and shops of the owners and occupants thereof, if residing within the corporation, and require of him, her, or them, to give a true inventory and appraisement of the aggregate value of each species of taxable property, according to the true meaning and intent of this act, and in case any one so required shall neglect or refuse to give such inventory and appraisement, or when the assessor may have reason to believe that the same, when given by such person or persons, is not a true inventory and appraisement, such assessor shall require the same to be given under oath, which oath he is hereby fully authorized to administer, and in case of refusal, said assessor shall proceed to take the same from the best information he can obtain, and any person or persons, neglecting or refusing to give a true inventory and appraisement, when lawfully required by said assessor so to do, according to the true intent and meaning of this

act, shall forfeit and pay, upon conviction, for the use of said corporation, the sum of twenty doilars: *Provided*, That if the assessor be unable to find the owner or occupier of any such property, he shall proceed to appraise the same according to the best information he can acquire, and stocks in trade of all kinds shall be given in one item only.

Sec. 38. The town council shall, as soon as said assessment is corrected and completed, levy a tax on such polls, dogs, and all property, real and personal, so assessed and returned to them by the assessor, and shall cause the secretary to make out a fair duplicate of all persons taxable with a poll tax and a road tax, and with personal or real property, with its valuation, setting forth the owner's name if known, the amount of tax chargable to each person for his poll tax, road tax, and property tax, together with the delinquencies of the preceding year, adding them to the costs and penalties due on the same, and shall deliver said duplicate to the treasurer on or before the first day of July in each year for the collection of the same; and said duplicate certified by the secretary, signed by the president, and sealed with the corporate seal, shall be sufficient authority for the treasurer to collect said taxes in said duplicate specified.

Sec. 39. Whenever the treasurer shall discover that the assessor may have omitted to assess any of the real or personal property, or polls, or other subjects of taxation mentioned in this act, it shall be the duty of said treasurer to assess the same in the same manner which the assessor should have done, and to collect the proper tax due thereon, and to make return of such assessment and of the tax collected thereon, verified by his oath, in the same manner and at the same time that he is required to make return of the tax duplicate placed in his hands for collection; and whenever he shall discover that any real or personal property, or poll has been assessed more than once for the same year, he shall only collect the tax really due, and make a return of the balance as illegal assessments, fully describing in said return the property or polls illegally assessed, in what the illegality consists, and the names of the persons concerned.

Sec. 40. The treasurer of the corporation shall, upon receiving said duplicate, proceed immediately to the collection of the taxes therein specified, either by himself or deputy, and in all cases if the taxes are not paid by the first day of September in each year by any person, it shall be the duty of the treasurer to proceed and collect the same by distress and sale of any of the personal property of such delinquent by giving ten days' notice of the time and place of sale by setting up three advertisements in public places in the town; said treasurer shall only sell so much of the property levied on as will be necessary to pay the taxes due and costs, and he shall be allowed to collect on such sales the same costs as are allowed to constables on sales of property by them on execution, and he

shall sell said property to the highest bidder, and any overplus that may remain in his hands shall be returned to the delinquent.

Sec. 41. In all cases where the taxes due and owing cannot be made of such goods and chattels by the first day of October, it shall be the duty of the treasurer to make sale of the lands, lots, or fractions of lots belonging to such person, or so much thereof as will pay the taxes and ten per centum costs due, by giving at least twenty days' notice of the time of such sale in a public newspaper published in said town, or by putting up written advertisements one in each ward in said town, in which notice or advertisement he shall particularly describe the lots, lands, and parts of lots to be sold by their numbers or some other certain description, if the numbers cannot be found or given, with the owner's name, if known, or the person's name to whom it is supposed to belong. The treasurer shall, on the day of sale, by proclamation, proceed at the door of the court house in said town, between the hours of ten o'clock, A. M., and five o'clock, P. M., and continue between the same hours from day to day, until the whole be sold, to sell the lands, lots, and parts of lots to the highest bidder, or to the person who will pay the taxes and costs due for the smallest portion of the lands, lots, or parts of lots, selling no more than shall be required to make the amount of taxes and costs due thereon, and upon payment of the amount bid the treasurer shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, and that such purchaser shall be entitled to receive a deed for the same at the end of three years, unless the owner shall redeem the same on or before that time by paying to the purchaser, his heirs, or assigns, the amount of the purchase money with fifty per centum thereon, and interest at six per cent., or shall deposit the amount with the penalty and interest with the treasurer of the corporation: *Provided*, That all lands, lots, and parts of lots belonging to minors shall not be sold for the non-payment of taxes under any other terms or conditions than that such minor shall have the full right of redemption within two years after he shall arrive at full age, by paying the amount of taxes and costs with ten per centum interest per annum thereon until paid, and the person holding the certificate of purchase shall pay the taxes thereon till the same is redeemed; and the person so holding the certificate of purchase shall be entitled to charge ten per centum per annum on all subsequent taxes paid by him on said property, which shall be paid by the owner upon redemption thereof, and the purchaser shall be entitled to the possession of said property so sold from the day of sale till redeemed.

Sec. 42. That in case the owner of such property sold as aforesaid, shall not pay or deposit the amount of the purchase money, with the subsequent taxes paid by such purchaser, and all penalties and per centum due thereon within three years from the day of sale thereof, it shall be the duty of the mayor of the corporation to make, execute, and deliver a deed, under the seal of the corporation, to

the purchaser, his heirs, or assigns, upon the production of the certificate of purchase, for the property therein described, which deed, acknowledged and recorded, shall vest all the right and title of the owner in the purchaser and his heirs and assigns for ever; and the mayor shall be allowed one dollar for each deed he shall execute and acknowledge, which sum shall be paid by the grantee on the delivery of such deed: *Provided*, That where lands, or lots, or parts of lots are listed and sold in a wrong name, or where the owner's name is unknown, such sale is valid, and any and all deeds executed by the mayor of the corporation shall be *prima facie* evidence of the regularity of such sale; and should any lands or lots remain unsold for the want of buyers, the treasurer shall make return thereof, and the amount of the costs and taxes due thereon, with ten per centum thereon, shall remain a lien on such lands and lots, and shall be added to the next year's assessment on such lots and lands.

Sec. 43. All the property, both real and personal, situate in the corporation, shall be liable to the payment of all taxes, penalties, interest, and cost charged to the owner thereof in such corporation, and no partial payment of any such taxes, penalties, interest, or costs shall discharge or release any part or portion of such property until the whole is paid, and the assessments when made shall constitute and be a lien on all such property, and shall not be affected or destroyed by any sale or transfer of such property, and no sale or conveyance made by the owner of such property after the time of such assessment shall divest the purchaser thereof under this act of the title to such property.

Sec. 44. The town councilmen herein provided for shall be a body corporate and politic with perpetual succession, to be known and designated by the name of "The Town Council of Shelbyville," and by that name they and their successors shall be able and capable to receive, acquire, hold, and convey any real estate or personal property, for the use of the town: *Provided*, That the clear annual income thereof shall not exceed one thousand dollars; and shall also be able and capable, in law and equity, by the name aforesaid, of suing and being sued, of pleading and being impleaded in any action or suit in any court in the State; and when a suit shall be commenced against the town council the first process shall be a summons, which shall be served upon the president of the council, or an attested copy thereof left at his usual place of abode at least ten days before the trial or return day thereof, and if not served in time the cause shall stand continued for ten days.

Sec. 45. All debts, dues, and property of the former corporation of said town of Shelbyville, shall be collected, received, and held by the new corporation as fully as if such debts and dues had been contracted with the said new corporation; and all debts or other liabilities of the former corporation shall be paid by this corporation in the same manner that debts contracted by them are payable.

Sec. 46. On the organization of this corporation the former one shall be, and is hereby dissolved, and it shall be, and is hereby made the duty of the officers thereof to deliver over to the new corporation all books, papers, and other property which may belong to them; and the treasurer of said former corporation shall pay over to the treasurer of the new corporation all moneys that shall be found to be in his hands upon settlement, which he is hereby to make with such new treasurer, upon being notified so to do; and said treasurer of the new corporation shall make report thereof to the common council.

Sec. 47. The said town of Shelbyville shall be, and is hereby laid off into five wards as follows, viz: All that part of said town lying west of Harrison street and north of Franklin street, shall constitute ward No. 1; all that part of said town lying west of Harrison street, and south of Franklin street, shall constitute ward No. 2; all that part of said town lying east of Harrison street and south of Washington street, shall constitute ward No. 3; all that part of said town which is situated east of Harrison street, north of Washington street, and west of Pike street, shall constitute ward No. 4; and all that part of said town which is situated north of Washington street and east of Pike street, shall constitute ward No. 5; and one of the councilmen of said corporation shall reside in each of said wards and be the representative thereof: *Provided, always*, That the said common council may, at any time they shall deem it necessary to do so, alter the boundaries of said wards so as to make the same as nearly uniform as possible in the number of qualified voters therein, and to increase the number of wards to any number not exceeding nine: *And provided further*, That the said council shall have the power, when they shall deem it necessary, to provide for an election in each ward, so that the qualified electors of each ward may elect a councilman for their ward separately; and whenever a councilman shall remove from the ward for which he may have been elected or appointed, his office shall be vacated.

Sec. 48. This act shall be considered and taken as a public act by all courts of this State, and shall be liberally construed for every beneficial purpose thereby intended, and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same; and this act shall take effect and be in force from and after its passage.

CHAPTER CXCII.

An act to incorporate the Madison and Clifton Water Works.

[APPROVED JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas J. Godman, senior, and Thomas J. Godman, junior, their associates, successors, and assigns, be, and they are heseby made a corporation, by the name of the "Madison and Clifton Water Works," for the purpose of supplying, by means of pipes and reservoir, the city of Madison, in the county of Jefferson, Indiana, and the inhabitants thereof with pure and wholesome water, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have all the powers and privileges, and be subject to the duties and requisitions contained in the Statutes of 1843, chapter 32, article second, entitled "general provisions respecting corporations," and such other powers as may be necessary and proper to carry out the objects of this act.

Sec. 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, which may be divided into shares of fifty dollars each, and transferable in such manner as the said corporation may prescribe; said corporation may, in addition to said capital stock, be seized and possessed of such real estate as may be necessary or convenient for the purpose aforesaid, and sell and convey the same at pleasure, and mortgage the same for said purposes.

Sec. 3. The said corporation is hereby authorized to receive by assignment from Thomas J. Godman, senior, a contract in writing, made by the said Godman with said city, by the Mayor of said city, bearing date the 19th day of December, 1846, providing for the supply of said city and its inhabitants with water, and to purchase from said Godman all the pipes, materials, cisterns, springs, and lands which said Godman has prepared and constructed under said contract, and receive the proper conveyances for the same, and pay therefor in stock in said company, or otherwise, as may be agreed on. And upon receiving said contract so assigned, all the rights, privileges, and remedies which said Godman could have by virtue of said contract, if the same had not been assigned, shall vest in said corporation, and said corporation shall thereby be bound to said city, to perform all the provisions of said contract to be performed by said Godman; and said contract shall, in all respects, have the same effect as though it had originally been made by and between the said corporation and said city; and on said assignment being made, said corporation shall have the exclusive right to supply said city and the inhabitants thereof with pure, wholesome water, in manner aforesaid, subject to be redeemed or purchased

by said city as in said contract is provided; or said corporation, after said assignment, may, at any time, and from time to time, cancel said contract, and make any other contract with said city, for the purposes contemplated by this act: *Provided*, Said city consents to said cancelling and contract, said corporation shall supply said city with a sufficiency of pure, wholesome water, for the necessary uses and purposes of all those who may purchase rights from said corporation, or be willing to purchase the same, and for the extinguishment of fires, and the use of fire companies.

Sec. 4. Said corporation shall have the right, for the purposes of constructing, re-laying, or repairing any of the works contemplated in this act, to enter upon, use, and enjoy any lands, streets, roads, lanes, or alleys, and to take materials therefrom for the purposes aforesaid, doing no unnecessary damage, and making no unnecessary obstruction; but said corporation shall pay to individual proprietors of such lands a fair and reasonable compensation for the damage actually sustained by them, which damage may be assessed by any two disinterested persons, to be chosen one by the said corporation and the other by the individual injured, the two thus chosen to select a third person, or, if the individual shall refuse to choose one, then the said corporation may choose both persons, who may, in like manner, choose a third; and the decisions of the persons chosen, or a majority of them, shall be final; and on payment of, or tender and refusal of, the damages assessed, the said corporation may proceed as though payment had been made; said assessors shall forthwith file their award in the office of the clerk of the circuit court of said county, and if either party be dissatisfied therewith, he may appeal therefrom to said court, and have the damages assessed by said court or a jury. In case of an appeal, the party appealing shall execute bond, with security to be approved of by said clerk, within ten days after said award is made, conditioned as in other cases of appeal, and on filing said appeal bond by the said corporation, she may proceed in the construction of said work on said land.

Sec. 5. The said corporation shall have power to make contracts with individuals and corporations, to supply such individuals or corporations with water, at such terms and places as may be agreed on by the parties, and enforce said contracts, and receive such compensation for the supply of water as may be agreed upon by the parties; but said corporation, within a reasonable time after laying and completing the main pipes in said city, so lay and construct, and keep, or have kept, in repair, lateral pipes, that every inhabitant of said city, from time to time, who will pay a reasonable price therefor, and not unnecessarily waste the water, shall have a suitable supply of water, reasonably convenient to their dwellings; or said corporation shall allow such persons, for a reasonable compensation, to supply themselves by pipes constructed by said persons, connected with such main pipes, or other pipes, of said corporation, that can spare sufficient water for such supply,

such persons being liable to said corporation for all waste of water occasioned thereby.

Sec. 6. The said corporation are hereby authorized, at such time or times as she may deem proper, to borrow such sums of money as may be necessary for the purposes contemplated by this act, and to pay such rate of interest therefor as may be agreed upon by the parties, not exceeding the legal rate of interest at the place where the money, by the contract, is payable; and to make such evidences of debt, and give such security by mortgage, or otherwise, as may be agreed upon by the parties; and she may, in like manner, make her bonds or other contracts payable in money, at such time or times and places as she may think proper, bearing any rate of interest not exceeding the legal rate of interest at the place where the same are made payable, and secure the payment thereof by mortgage on all or any part of her property, real or personal, and sell said bonds or other contracts at any price not less than ninety cents to the dollar, for the purposes aforesaid; and any such mortgages, bonds, or other contracts, shall not be usurious, any law of this State to the contrary notwithstanding.

This act to be in force from and after its passage.

CHAPTER CXCIII.

An Act to incorporate the Chaffrans Biken-Chalim Irkfirrans Mesini Society, of Fort Wayne.

[APPROVED DECEMBER 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John [F.] Nirdlinger, J. Lanferty, J. Wolf, S. Redelsheimer and A. Oppenheimer, and their associates and successors in office, be, and they are hereby created a body politic and corporate for the purpose of visiting the sick, burying the dead, and such other charitable purposes as they may think proper, by the name of "Chaffrans Biken-Chalim Irkfirrans Mesini," and by that name they and their successers shall have perpetual succession, and all the privileges and immunities incident to a corporation, and may take, purchase, and hold, in fee simple, or otherwise, personal or real estate, for the uses and purposes in this act expressed.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXCIV.

An Act for the relief of Charles Martin, Daniel Seward, and John Bundy

[APPROVED, JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county Auditor of Carroll county be, and he is hereby authorized and required to appoint two disinterested appraisers, whose duty it shall be, after being first duly qualified before some officer authorized to administer oaths, to make a fair and reasonable appraisement of the value of the school lands at the time or times of the sales of said lands heretofore sold to Charles Martin, Daniel Seward, and John Bundy, to-wit: Lots numbered seven, eight, and nine, of the sub-division of section number sixteen, in township twenty-five north, of range one east, in Carroll and Cass counties.

Sec. 2. The said Auditor shall notify the said appraisers a reasonable time before the next payment shall be due on either of said lots of land above mentioned, which appraisers shall forthwith proceed to be sworn, and view and appraise said lands as above directed, and make a return of such appraisement within ten days after the same shall be made.

Sec. 3. It shall be the duty of the said Auditor, upon the return being made, to make the proper record of the same, and should the appraisement be below the price of the original purchase of said lands, or either lot thereof, the said Auditor shall give the proper credits on his books to each such purchaser.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXCV.

An Act for the relief of Israel Bayless.

[APPROVED JANUARY 12, 1850.]

WHEREAS, Israel Bayless, of the town of Oswego, in the county of Kosciusko, and State of Indiana, was, during the last war with Great Britain, and at the battle of Fort Meigs, taken a prisoner by the Indians, and by them taken into parts [then] unknown to him, where he underwent great suffering from hunger and exposure, being often beaten and bruised, that when he returned it was with a broken constitution and such feeble health that he has not yet recovered, and still continues to be a great sufferer from such debility; and for the reason of the want of necessary proof has not been able to procure any assistance from the General Government by way of pension; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Israel Bayless shall not hereafter be assessed for any property, personal or real, that he does now, or may hereafter possess, in this State, in valuation under fifteen hundred dollars, or be subject to the payment of any tax or taxes hereafter assessed upon his property or person, in value aforesaid, either for State, county, or road purposes.

This act to be in force from and after its passage.

CHAPTER CXCVI.

An Act to vacate parts of certain streets and alleys in the town of South Bend, St. Joseph county, Indiana.

[APPROVED, JANUARY 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of Cedar street as lies between lots number 42 and 43, and also so much of the alleys as lies between lots Nos. 39 and 40, and west of lots Nos. 37, 38, 39, 40, 41, and 42, in Martin and Tutt's addition to said town of South Bend, be, and the same is hereby vacated.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXCVII.

An act to legalize the marriage between William Brazzle and Sarah Vaughan, of Daviess county.

[APPROVED JANUARY 19, 1850.]

WHEREAS, It is satisfactorily proven to this General Assembly, that about thirty years ago Beverly Vaughan and Sarah Vaughan intermarried with each other in the State of Tennessee, where they resided about five years, and then removed to the State of Indiana, where they lived together for about ten years, a large portion of which term of ten years the said Beverly Vaughan spent in drinking and gambling, and at the end of which term the said Beverly abandoned the said Sarah, and went to parts unknown, and a few years thereafter the said Sarah and her friends were informed, and from their information believed that the said Beverly Vaughan was dead, and under that belief the said Sarah Vaughan, about eight years ago, intermarried with one William Brazzle, in the county of Daviess, and State of Indiana, with whom she lived happily and satisfied until about the first day of November, 1849, when intelligence was received that the said Beverly Vaughan was living, and had returned to the said county of Daviess, and, thereupon, the said William Brazzle and the said Sarah separated, and she has not cohabited with either the said Beverly Vaughan nor the said William Brazzle since that time; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the marriage of the said William Brazzle and Sarah Vaughan be, and the same is hereby declared to be binding and in full force between the said William Brazzle and Sarah Vanghan from and after the time of their intermarriage, in Daviess county, as aforesaid, and the banns of matrimony existing between the said Beverly Vaughan and Sarah Vaughan, at the time of the intermarriage between the said William Brazzle and Sarah Vaughan, as aforesaid, be, and the same are hereby annulled, set aside, and declared to be void.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CXCVIII.

An act to incorporate the Logansport Insurance Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be and hereby is established in the town of Logansport, an Insurance Company, with a capital stock of one hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies, or corporations, in manner hereinafter specified, which stockholders and subscribers, and their successors shall be and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "The Logansport Insurance Company," for the period of fifty years from and after the passage of this law, and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or in payment of, any debt which may become due and owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of any court of equity, in their favor, and may have and use a common seal, and the same alter, change, break, or renew at pleasure, and may also make, ordain, establish, and put in execution, such by-laws, ordinances, rules, and regulations, as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, That no by-laws, ordinances, rules, or regulations, of said company shall in anywise be contrary to the constitution and laws of this State or of the United States: *And provided also*, That said company shall not own or hold at any one time, a greater amount of real estate than shall be of the value of fifty thousand dollars, except where taken in payment of a debt or debts due said company by legal process or compromise, and after so taken, said company shall have power to hold and sell the same at private or public sale, and make all legal title thereto, but if not sold at private sale within six months thereafter, said company shall cause the same to be offered at public sale, and shall give such notice and be governed by such regulations thereafter as the State Bank of Indiana is now by law governed in respect as to real estate taken for the payment of debts due said bank.

Sec. 2. That said corporation shall have full power and lawful authority to insure all kinds of property against loss or damage by

fire or any other cause or risk, to make all kinds of insurance against loss or damage on goods, money, merchandise, and produce, in the course of transportation or otherwise, whether on the land or on the water, and vessels or boats, wherever they may be, to make all kinds of insurance on life or lives, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk upon the interest they may have in any vessel, boat, goods, money, merchandise, or property, by means of any loan or loans they may make on mortgage or otherwise, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

Sec. 3. That it shall be lawful for said company to invest any part of their capital or stock, moneys, funds, or other property, in stock or funded debts created or to be created by or under any law of the United States or of this or any other particular State, or in the stock of any chartered bank of this State, or of the United States, or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof in such stocks or funds, whenever and so often as the exigencies of said corporation or a due regard to the safety of its funds may require, or they may loan the same or any part thereof to individuals or corporations, on real or personal security, for such periods of time and under such restrictions and limitations, and upon such terms as the directors thereof, for the time being, shall deem prudent and best for the interest of said company; that the office of "The Logansport Insurance Company" be, and the same is hereby authorized to deal in exchange, and in the discount of promissory notes, and to receive cash and the bank bills of any incorporated bank on deposit for such time and on such interest as may be agreed on, and to discount or loan the same upon such terms and upon such rate of interest as may be agreed upon between said company and the person or persons, company, or corporation, discounting or borrowing the same, not exceeding the rate of interest individuals are allowed by law to receive at the time of discount or loan, and said company may deduct or retain the interest in advance on the amount discounted or loaned; and said company may borrow or cause any notes, bills, or obligations for the payment of money which it may receive in the course of its business, to be discounted, and may indorse and transfer the same, but it shall not be lawful for said company to charge or receive any premium for indorsing or underwriting any note, bill, or other obligation for the payment of money; *Provided however*, That all deposits made in said office shall be refunded and paid by said corporation on demand in specie or its equivalent, except where special deposits are made, which shall be refunded and paid as agreed upon; *And provided also*, That it shall not be lawful for said corporation to issue or emit any bills of credit, or any bills payable to order or bearer, as a circulating medium.

Sec. 4. That in all cases where said company shall refuse to pay

deposits made in said office, on demand, where no agreement has been made or where the time for which such deposit was made has expired, the amount of the same may be recovered by motion or suit in any court of competent jurisdiction, ten days' previous notice of said motion if before the circuit court, and three days' notice if before a justice of the peace, having been given, and upon judgments rendered therein and upon all other judgments against said corporation for deposits, shall be allowed ten per cent. damages, and interest after the rate of six per centum from the date of such legal demand, and upon which judgments there shall be no stay of execution.

Sec. 5. That it shall be sufficient service of process on the corporation hereby created to execute the writ or notice on the president or secretary, or a majority of the directors for the time being; and such service shall authorize judgment on proceedings by default against the corporation without appearance or plea by the corporation, in the same manner that judgments or proceedings are taken by default against individual persons on the execution of process.

Sec. 6. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction, and control of nine directors, who shall be stockholders and citizens of the State of Indiana, and after the first election they shall be elected by the stockholders on the second Monday in October annually, at such time of day and at such place in the town of Logansport as said directors for the time being shall direct; they shall hold their office for the term of one year and until their successors shall be chosen; and notice of such election shall be advertised and published for three weeks next preceding the same, in a newspaper printed in said town, and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders not directors at the time, to be previously appointed by the board of directors for that purpose, and at every such election and all other meetings of the stockholders, held under the provisions of this act, each shall be entitled to one vote for each share: *Provided*, That no stockholder shall be entitled at any time to more than twenty-five votes, and every such stockholder not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to [a] stockholder present at such election or meeting, and in case it should so happen that an election of directors should not be made on any days when by this act it ought to have been made, it shall and may be lawful for said company to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

Sec. 7. That the directors duly chosen under the provisions o this act, shall as soon as may be after the first, and every annual election, elect from their own body a president, who shall preside

in the board until the next annual election, and in case of his death, resignation, or absence, the board shall appoint a president, pro tempore; they shall fill all the vacancies that may occur in their own body during the time for which they were elected; and shall appoint a secretary and all subordinate officers, clerks, and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions, and limitations, not inconsistent with the provisions of this act and the by-laws, rules, and ordinances of said company as the directors for the time being shall prescribe; they shall make such by-laws, rules, and regulations for their own government and for the management and disposition of the stock, property, estate, funds, and business of said company, and all matters referring thereto and [as] shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances, and regulations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings agreeably to their own regulations, and at such times as the president thereof for the time being shall order and direct, and a majority of the whole number shall constitute a quorum and be competent to the transaction of business within the scope of their powers and connected with their duty, and all questions before the board shall be decided *viva voce* by a majority of the directors present any two of whom may require the yeas and nays to be taken on any proposition submitted and entered on the journals of their proceedings, and no vote shall be rescinded by less number than were present and voting when the original vote was taken; they shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business as shall not impair or any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: *Provided*, That no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment.

Sec. 8. That all policies of insurance, which may be made or entered into by said corporation, shall be subscribed by the president, or president pro tempore, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary, and being so signed and attested shall be binding and obligatory on the said corporation with or without the seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors by the president and secretary, subject nevertheless to the by-laws, rules, ordinances, and regulations established by the board of directors. It shall be the duty of the secretary at every annual election or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said company.

Sec. 9. That the stock of said company shall be assignable and

transferable on the books of the same or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations as may be established by the directors; and all such stock shall be held and considered as personal property.

Sec. 10. That any number of stockholders, who shall at any time be the owners of one-tenth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks' notice in some newspaper printed in said town of the time and place of such meeting, and the stockholders present in person or by proxy at any such meeting shall decide all questions proposed for consideration by a plurality of votes, and may make and prescribe such by-laws, ordinances, rules, and regulations, as to them shall appear needful and proper, in relation to the management of the affairs of the company or for the government and direction of the officers thereof.

Sec. 11. That books for the subscription to the capital stock of said company, shall be opened in the town of Logansport, by and under the direction of Cyrus Taber, Daniel Neff, Phillip Pollard, Nathaniel Williams, and John W. Wright, or a majority of them, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscription in a newspaper printed in said town, and it shall be lawful for any individual, company, or body corporate, to subscribe for any number of shares, and such individual, company, or body corporate, shall at the time of subscribing pay to the said commissioners one dollar on each share so subscribed, and it shall be the duty of said commissioners, as soon as two hundred shares are subscribed, to give two weeks' notice in some newspaper printed in said town, of the time and place for the stockholders to meet and elect the first board of nine directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected shall constitute the first board, and shall continue in office, until the next annual election.

Sec. 12. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to the said board of directors, all moneys that may be in their hands belonging to said company, and deliver over to them all books and papers belonging to the same, and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockholder, the full amount of the stock by them respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal security to the satisfaction of the directors, and if any stockholder shall fail to make such payment, or give such security as aforesaid within thirty days after the election for directors, such stockholder shall forfeit to the company the amount paid on such stock at the time of subscribing: *Provided*, That the said corporation shall not commence, until four hundred shares are subscribed and paid for or secured to be paid as aforesaid, it being one-tenth of the capital

stock, all the remaining balance of the stock shall be offered for sale at such time and place, and on such terms as the directors for the time being may from time to time direct, after giving sixty days' notice in two newspapers of general circulation, and also sixty days previous to disposing of such stock, they shall cause a communication to be deposited in the Logansport post office directed to each stockholder, setting forth the precise manner the additional stock is to be created and precisely to be paid for.

Sec. 13. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance on any kind of property, real or personal, against loss or damage by fire or any cause or risk, on any goods, merchandize money, or produce, whether on the land or on the water, on any vessel or boats whatever, and where ever they may be on life or lives, or discount any foreign or domestic bill of exchange, bond, note, or obligation, it shall be lawful to charge such rate of premium or interest, under the limitations contained in section third of this act, as may be mutually agreed upon by the parties.

Sec. 14. That when ever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vender or venders to assign such policy to the vendee or vendees of such property and such assignee or assignees shall have the full benefit thereof; *Provided*, That before any loss happens, notice shall be given said company of said assignment; *And provided*, That said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon, be exhonerated.

Sec. 15. That whenever said corporation shall be notified of any loss, sustained or incurred on any policy of insurance, granted or issued by the same, it shall be the duty of said corporation, to pay the amount so lost or incurred on such policy, within sixty days after being so notified; *Provided*, There shall have been no violation of the condition of the policy, on the part of the insured, and on all judgments obtained by said coporation, there shall be no stay of execution, except on judgments for money loaned, and on discounted promissory notes upon which said judgment for money loaned, and discounted notes, there shall be allowed the same stay of execution, as is now or may hereafter be allowed by law, in other cases. The stockholders may, at any regular meeting, either increase or diminish the number of directors; *Provided*, That there never shall be more than thirteen nor less five.

Sec. 16. It shall not be lawful for any director of this company to be a director in any banking institution, or branch of the State Bank of Indiana, or any other insurance company, while he is a director of the Logansport Insurance Company.

Sec. 17. The right is hereby reserved to repeal this charter.

Sec. 18. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act and shall be construed favorably for every beneficial purposes.

CHAPTER CXCIX.

An act to amend an act, entitled "An act to incorporate the City of Indianapolis," approved, May 27, 1848.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That no person shall be allowed to vote at the annual election in said city, who shall not have been assessed and actually paid a corporate tax for the year next preceeding that wherein he shall offer to vote.

Sec. 2. That hereafter the assessor shall be required to complete and make return of the list of taxable property in said city, on or before the first day of September, in each year, any thing in the act to which this is an amendment to the contrary notwithstanding.

Sec. 3. This act to be in force from and after its publication in the Indiana State Journal.

CHAPTER CC.

An Act entitled an act to incorporate the Washington Manufacturing Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William C. Richardson, Andrew Johnson, James Chappelrew, Ashbel Tutle, Francis Murphy, Chas Lyon, and A. B. Knowlton, and their associates be and they are hereby constituted, and are a body corporate, and shall have full power and authority in the name and style of "the Washington Manufacturing Company," to conduct business, sue and be sued, plead and be impleaded, borrow money, and hold real estate to the value of fifty thousand dollars.

Sec. 2. That the capital stock of said company shall be ten thousand dollars with the privilege of afterwards increasing the same to any amount not exceeding fifty thousand dollars of shares of twenty dollars each.

Sec 3. That any three of the above named persons may appoint persons to open books for the subscription of stock to the capital of said company, after giving two weeks' notice in one of the newspapers printed in the town of Logansport.

Sec. 4. That as soon as one hundred shares are subscribed to

the capital stock of said company, they may proceed to the election of a board of directors, who shall have full power to elect their President, Treasurer, and Secretary, and do and empower others to perform for them any and all acts and things necessary in their business.

Sec. 5. That as soon as five hundred dollars is paid into the hands of the Treasurer, the board of directors may proceed to carry out the purposes of this charter.

Sec. 6. The number of directors at the first election shall be five, and the number afterwards shall be increased or diminished at the pleasure of the board.

Sec. 7. That at the elections each share shall entitle the holder to a vote for directors, and said election shall take place annually.

Sec. 9. That said board of directors shall have full power and authority to adopt and have enforced all needful rules and regulations to manage said business, govern the proceedings of the board, regulate the payment of stock, enforce its payment, and authorized to declare forfeited any stock unpaid on the holder refusing to comply with the requisition of the board.

Sec. 10. The said Washington Manufacturing Company, shall have full power and authority by order of the board of directors, to borrow money for the purposes of their business, and make and execute a mortgage or mortgages upon the property by them held, to secure the repayment thereof, which shall be signed by their President and attested by their Secretary.

Sec. 11. That the board of directors may adopt a seal.

This act shall be in force from and after its passage.

CHAPTER CCI.

An act to incorporate the Brookville Literary and Scientific Lyceum

[APPROVED, JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William G. Serrell, David D. Ellis, James R. McClure, Wm. T. Tyner, N. M. Crookshanks, John M. Woods, and William McCleery, their associates and successors, are hereby constituted a body politic and corporate, to be known by the name and style of "The President and Directors of the Brookville Literary and Scientific Lyceum," and by said name shall have power to sue and be sued, to contract and be contracted with; and to hold such personal and real estate as may be necessary for the legitimate purposes of said

association, in their efforts for the benefits of literature and science, and in the establishment of a library, museum, the granting of rewards, or the establishment of professorships, and to do and perform all things necessary for said purposes, not inconsistent with the laws of this State; to use a seal, and to alter it at their pleasure, and to enjoy all the rights and privileges conferred upon incorporated companies, by article 2, chapter 32, of the Revised Statutes of 1843.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCII.

An act for the relief of Crawford Byrd.

[APPROVED JANUARY 21, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Judge of the Probate Court of Tipton county, at any term of said court, to appoint some suitable person guardian of Abigail Vanbuskirk, wife of Joseph Vanbuskirk of said county.

Sec. 2. It shall be the duty of said Guardian to make inquiry into, and concerning the sale of certain real estate made by the said Joseph Vanbuskirk to Crawford Byrd, and if in his opinion the sale or sales shall have been fairly made, he shall by deed relinquish the right of dower of said Abagail to all such lands.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CCIII.

An act to vacate a certain alley in the town of Spencerville.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the alley commencing on Mill street, and running north, between lots numbered four and five, in the town of Spencerville, in De Kalb county, be, and the same is hereby vacated.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCIV.

An act to amend an act to incorporate the Wilmington and Aurora Insurance Company, approved February the 2d, 1839.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of said company shall be, and the same is hereby changed to the Aurora Insurance and Trust Company, and by said name of Aurora Insurance and Trust Company shall sue and be sued, possess and enjoy all the rights, privileges, and powers granted to and conferred upon, by the act aforesaid, to the Wilmington and Aurora Insurance Company.

Sec. 2. That William S. Holman, Thomas Goff, and Thompson Dean, be appointed commissioners to act with those provided for in said charter.

Sec. 3. That section sixteen of said act incorporating the Wilmington and Aurora Insurance Company be, and the same is hereby repealed and stricken from said charter: *Provided*, It shall not be lawful for said company, directly or indirectly, to charge or receive a greater rate of interest on notes, bills, or other evidences of debt, and no greater rate of exchange than the State Bank of Indiana is now allowed by law to receive, or as may hereafter be the current rate of exchange; and that it shall not be lawful for said company to charge or receive any compensation for endorsing or insuring the payment of any bond, bill, note, or other instrument of indebtedness, and so much of section thirteen of the act of incorporation of said company, approved February 2, 1839, and all acts inconsistent with this amendment be, and the same is hereby repealed. This amendment shall not be so construed as to interfere with the business of bona fide insurance by said company, or the issuing of policies of insurance against loss by fire, or any kind of risk on property in course of transportation, or otherwise, and the charging and the receiving such a rate of premium as may be agreed upon between the parties. Previous to creating the additional stock hereby contemplated, and previous to all such times as it may be increased, said company shall, by publication in two or more newspapers of most general circulation in the county of Dearborn, give thirty days' notice, setting forth in every particular how said stock is to be increased, and how to be paid or secured, and shall cause a communication setting forth the same matter to be directed to each stockholder, and deposited in the post office at Aurora, directed to such post office as it is understood the stockholder receives his communications, thirty days previous to such increase of stock: *Provided however*, That said company shall not be authorized to receive or accept any part of this amendment without accepting the whole, and an acceptance of any part of the amendment shall be taken as conclusive evidence that the company have accepted the whole provisions of this act.

Sec. 4. This act to be in force from and after its passage, and shall be deemed and taken to be a public act.

CHAPTER CCV.

An act authorizing Michael F. Bourke to obtain license to practice as attorney and counsellor at law, in this State.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Michael F. Bourke, an alien resident of the county of Clark, upon bringing himself within the legal requisites as to moral character and professional attainments, be entitled to a license to practice as attorney and counsellor at law, in this State, his alienage to the contrary notwithstanding.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCVI.

An act to authorize a company to construct the Hart's Mill and Marion Turnpike.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hiram A. Hart, Mc. F. Paul, James H. Cravens, Ruel O'Neal, Ervin W. Gorden, James O'Neal, and James Demaree, of Ripley county, and their associates and successors be, and they are hereby constituted a body politic and corporate under the name of "the Harts Mill and Marion Turnpike Company," and by that name may contract and be contracted with, sue and prosecute, and be sued and prosecuted to final judgment in all courts having competent jurisdiction, and do and perform all other things lawful for such company to do, and they are hereby invested with all powers and

privileges in any wise necessary and expedient to carry into effect the proper business of the association.

Sec. 2. *Be it further enacted*, That all the rights, privileges, powers, and authority granted to the Aurora and Laughery Turnpike Company, contained and embraced in sections Nos. 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, and 23 of an act to authorize a company to construct the Aurora and Laughery Turnpike, approved February 15, 1848, be, and the same are hereby granted to the Hart's Mill and Marion Turnpike Company, and said sections are hereby made a part of this act.

Sec. 3. The commissioners may order an election of directors, after ten thousand dollars of stock is subscribed, if they consider it best for the interest of the company.

Sec. 4. The directors of said company shall have power to view, mark, locate, and construct a turnpike road [from Hart's Mill to Marion, on the Michigan road,] in Ripley county, and in constructing said turnpike, may follow such plans, and use such materials as they may deem most expedient, and if it shall be found necessary and advantageous to the location and construction of said turnpike road, the company shall have the right to lay the same along and upon any state or county road.

Sec. 5. So soon as said road, or five continuous miles is graded and bridged, said company shall have the right to put up a gate, and charge and collect one-half the rate of toll allowed in section No. 21, aforesaid.

Sec. 6. This act is hereby declared to be a public act, and to be in force from and after its passage.

CHAPTER CCVII.

An act to amend an act entitled "an act granting the citizens of Lawrenceburgh a city charter," and for revising and repealing all laws and parts of laws heretofore enacted on that subject.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the Seate of Indiana*, That in addition to the powers granted to the city council of said city of Lawrenceburgh, by the 13th and 14th sections of the act to which this is an amendment, said city council shall have the sole and exclusive power to regulate by proper ordinance or ordinances, such ferry or ferries as now are, or hereafter may be, established within the corporate limits of said city across the Ohio river to the opposite shore.

Sec. 2. Said powers shall extend generally to such regulations as said city council shall, from time to time, deem for the public good; and especially to the fixing and regulating, from time to time, the fees and charges of such ferry or ferries; the particular hours when such ferry or ferries shall be bound to ply their boats across said river; to guard against all unnecessary delays of persons and property wishing to be ferried across said river, whether by neglect of said ferry or ferries, or otherwise; the kind and quality of such boats as shall be kept in said ferry or ferries; the fines and punishments to be inflicted in case of violation of any of the ordinances of said city by such ferry or ferries; and to the declaring of any such ferry or ferries forfeited, and taking away their license for a violation of the ordinances of said city council.

Sec. 3. That in all cases of a violation of any of the ordinances of said city, by said ferry or ferries, where the owners thereof shall reside or keep without the State of Indiana, and without the county of Dearborn, or shall so conceal themselves that process cannot be served upon them, it shall be lawful for said city council to cause to be served, by the marshal of said city, a copy of such process upon the person in charge of any such ferry boat, (which copy shall be served five days before the day of trial); and in case said defendant shall fail to attend on the day of trial, the mayor of said city shall proceed to hear and determine said matter by the examination of witnesses and hearing of proof; and for the purpose of enforcing the payment of the said mayor in any such cause, said city council shall have the power, by execution issued on such judgments, to seize and levy upon any boat or boats, horse or horses, belonging to such ferry or ferries, or any tacklings belonging to the same, and to sell the same, or a sufficient amount thereof, in the same way and manner personal property is sold by constables on execution, as will pay and satisfy such execution, and all costs in such proceedings: *Provided, however*, That in all cases complained of against the owner or owners of any such ferry or ferries, the punishment of which is the forfeiture of such ferry or ferries, it shall be the duty of said city council, when the process at the expiration of three days shall be returned not found, to give notice of the pendency of said proceeding for three weeks in a newspaper printed in said city, and in case the said defendant fails to appear on the day fixed for trial, said cause shall be heard and determined in his absence, as in other cases specified in this section; and should any such ferry be declared forfeited, it shall be lawful for said city council to grant license and establish another ferry in the place of the one so vacated; and in any case where any such ferry shall be declared forfeited, the boat or boats, horses or tackling belonging to the same, may be levied upon and sold for the payment of the costs of such proceeding, in the same manner as is pointed out in other cases in this section.

Sec. 4. That whenever the said city council shall be directed by a majority of the voters of said city, expressed by petition or other-

wise, to raise by taxation any sum required for the payment of the city subscription for stock in the Rushville and Lawrenceburgh Railroad company, it shall be lawful for said city council to assess and collect the same so authorized, not exceeding an assessment of fifty cents on the one hundred dollars of taxable property, in addition to the amount now authorized by law.

Sec. 5. This act to be in force from and after its passage.

CHAPTER CCVIII.

An act to re-open a road in Cass county.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the road vacated by the county commissioners of Cass county, at their September term, 1849, commencing at Weirick's old place, in township twenty-seven north, of range two east, and running eastwardly to a road recently laid out from Logansport in the direction of Peru, near the four mile lock, is hereby made and declared a public highway, the same as if the said road had not been vacated by order of said commissioners.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCIX.

An act to change the name of the town of Harrisburgh, in Hendricks county.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the town of Harrisburgh, in Hendricks county, State of Indiana, be, and the same is hereby changed to that of Brownsburgh.

Sec. 2. That hereafter, said town shall be known and designated by the said name of Brownsburgh, and all conveyances of lots situate in said town heretofore made, in which the same are described as situate in the town of Brownsburgh, in said county of

Hendricks, are hereby declared to be as valid and binding as if the same had been described as being situate in the town of Harrisburgh.

Sec. 3. That none of the rights, titles, privileges, or interests of any of the citizens of said town shall be in anywise affected by said change, but the same shall be held and enjoyed to all intents and purposes as though said change had not been made.

Sec. 4 This act shall be deemed a public act, and shall be in force from and after its passage.

CHAPTER CCX.

An Act to incorporate the Town of Greenfield, in the county of Hancock.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of Hancock county as is contained within the following boundaries, to-wit: commencing on the north-east corner of the west half of the south-west quarter of section number thirty-three, in township sixteen, range seven east; thence due south to the south-east quarter of the west half of the north-west quarter of section four, township number fifteen, range seven east; thence west from said corner to the south-west corner of the east half of the north-west quarter of section number five, township number fifteen, range seven; thence in a straight line to the south-west corner of the east half of the south-west quarter of section number thirty-two, township number sixteen, range seven; thence in a straight line to the north-east corner of the west half of the south-west quarter of section number thirty-three, in township number sixteen, range seven east, is declared to be within the corporate limits of Greenfield in said county.

Sec. 2. That for the better government of said town and the inhabitants thereof, there shall be elected one person to serve as mayor, one as recorder, one as treasurer, and one as marshal, as also five trustees. The mayor shall be elected and hold his office for a period of three years, and until his successor shall be duly chosen and qualified. The recorder shall be elected and hold his office for a period of two years, and until his successor shall be duly chosen and qualified, and each of the other officers above mentioned for one year, and until their respective successors shall be chosen and qualified.

Sec. 3. No person shall be eligible to an office under this act

unless he shall have resided within the limits of the corporation for one year next immediately preceding his election; and no person shall be qualified to vote at any such election unless in addition to his other qualifications as an elector at county elections he shall have resided within said corporation for six months immediately preceding the time of offering such vote: *Provided*, That nothing herein contained shall be [so] construed as to prevent any county or township officer from holding any office created by this charter, except the office of mayor.

Sec. 4. The first election under this act shall be held on the first Monday in April, 1850, and shall in all respects, so far as the same may be applicable, be held and conducted as township elections are held; and all elections thereafter shall be held at such time and place, and be conducted in such manner as the common council shall from time to time direct and appoint.

Sec. 5. It shall be the duty of the inspector and judges of the first election under this act, after canvassing the votes, to declare the persons having the highest number of votes for each office duly elected, and shall forthwith give a certificate thereof to each person so elected, and each of said persons so elected shall within five days [after] notice of his election take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully and impartially to discharge the duties of his office, which oath shall be endorsed upon the certificate of his election, and such certificate shall be *prima facie* evidence of the due election of such person.

Sec. 6. The mayor, recorder, and trustees, when so elected and qualified, as by this act is provided, are hereby created a body corporate and politic, by the name and style of the "Common Council of the Town of Greenfield," and by that name shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places either in law or equity. They shall be capable to buy, receive, hold, and enjoy any estate, real or personal, for the use of said town, and may receive deeds and other conveyances therefor, and the same to sell and convey at pleasure; and they shall have power to adopt and use a common seal, and the same to alter or renew at pleasure, and a description of which shall be entered upon their records from time to time, as the same shall be rendered necessary.

Sec. 7. The common council shall meet on the first Thursday of every month, and as much oftener as their business shall require; and the Mayor shall have power to call a meeting at any time in cases of emergency. The signature of the mayor and attestation of the recorder, under the seal of the common council, shall be *prima facie* evidence of the validity of all laws and ordinances of the corporation. Said common council shall audit and allow all claims against the town, and make all assessments and appropriations of money for the payment thereof.

Sec. 8. A failure to hold any election under this act of the officers of this corporation shall not be a forfeiture thereof, but such election shall be held at such other time as the common council shall appoint; and the common council may in case of a vacancy in any office fill the same by appointment until the next annual election.

Sec. 9. The compensation of no officer under the corporation shall be increased during his term of service, unless upon a vote of two-thirds of the whole number of the members of the corporation. And all compensation to said officers, except as herein fixed, shall be fixed by ordinances, and as a compensation in whole or in part to any such officer, the common council shall have power to exempt such person from road labor, serving on juries, or from the performance of the duties of any county or township office during the term for which he shall serve as an officer of said corporation.

Sec. 10. Said common council shall have power to vacate, open, and establish any street, alley, or road in said town, and to exempt from the payment of any tax such persons and property as two-thirds of them shall from time to time agree.

Sec. 11. Two-thirds of the common council shall have power to remove any officer and fill his vacancy for malfeasance and nonfeasance, or habitual drunkenness or other causes, which shall in their judgment make such removal necessary and proper; *Provided*, That no such removal shall take place until the officer shall have been furnished with a written statement of the causes of complaint against him, and shall have an opportunity of being heard before the council in his defence.

Sec. 12. The mayor shall keep a docket in which he shall enter the causes brought before him, and shall, on request of either party and the payment of his fees, make and certify transcripts of his proceedings and judgments, which shall have the force and effect of transcripts from justices of the peace of their judgments and proceedings, and may in like manner be filed in the clerk's office of the circuit court, and shall bind lands, and proceedings shall be had thereon to execution, as are provided in cases of transcripts from the judgments of justices of the peace, and an appeal in all cases (except from judgments confessed) shall be allowed to either party from the judgment of the mayor to the circuit court, subject to the provisions of the law regulating appeals from the judgments of justices of the peace; and the trial by jury shall remain inviolate in all cases before the mayor, when the amount in controversy or the penalty that may be imposed shall exceed twenty dollars, or when imprisonment for a violation of the laws or ordinances of the common council may be imprisoned [imposed,] or in cases when a jury shall be allowed by the laws of the State before a justice of the peace, in which cases the jury shall fix the amount of the fine or penalty and the extent of the imprisonment, not inconsistent with the laws of the State and the by-laws and ordinances of the council, and upon all such trials it shall be no legal objection to the mayor, marshal,

constables, jurors, witnesses, or other person that may reside in said town and be subject to pay a corporation tax for the use of the town, and all process shall run in the name of the State of Indiana, and shall be signed by the mayor and sealed with the seal of the corporation, except subpœnas for witnesses and venires for jurors.

Sec. 13. All suits for the violation of the laws and ordinances of said town shall be brought in the name of "The Common Council of Greenfield," before the mayor of said town. No bond given by an officer of said corporation shall be void for want of form or be satisfied upon the first recovery, but may be put in suit from time to time by any party aggrieved by the official acts of such officers.

Sec. 14. All votes of the common council shall be given *viva voce*, and shall, when required by any two members, be entered upon the records of their proceedings.

Sec. 15. When any law or ordinance shall be passed by the common council, the recorder shall, without delay enrol the same upon the records kept for that purpose, and shall also present the same and a true copy thereof to the mayor for his signature, which copy he shall publish as herein before provided, and shall, when the same hath been so published, make and enter immediately under it upon the records an affidavit stating the time and manner of making such publication.

Sec. 16. No by-law or ordinance levying money shall be passed but by a majority of the votes of the whole common council, and such vote shall be in ayes and nays entered upon the journal of their proceedings.

Sec. 17. The common council shall have power to levy and collect a tax or license money on all concerts, theatres, shows, circuses, exhibitions, auctions, pedlars, and amusements within the town, and pass such laws and ordinances as may be necessary to guard against fires, to organize and govern fire companies, and to regulate the duties and conduct of the inhabitants of said town in relation thereto, to regulate and govern markets, to tax itinerant and transient auctioneers of sales at auction of goods, wares, or merchandise, or other property not belonging to any citizen of said county. They shall also have power in like manner to prevent the erection or keeping up public nuisances within said town, and to abate and remove the same, and to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of said town, not inconsistent with the laws of this State: *Provided always*, That nothing in this section shall be so construed as to authorize a tax or license upon any concert, theatre, circus, show, exhibition, or amusement not made or exhibited for gain, nor for any literary or scientific exhibition, if, in the opinion of the mayor, it shall be of that character. All rates of license shall be fixed by the common council, and for all violations of any law or ordinance regulating the same, suit shall be brought before the mayor in debt as in other cases, and bail for the appearance of

all the non-residents of the county may be required, unless such person shall elect forthwith after service to enter into trial.

Sec. 18. No suit brought before the mayor shall be dismissed or delayed for want of form in any pleading, cause of action, or form of action, and amendments and continuances shall be made and allowed by the mayor upon such terms as he shall deem equitable; and all penalties imposed and collected for the violation of the laws and ordinances of the common council shall be paid into the treasury of the incorporation for the use of said town.

Sec. 19. The corporation of the town shall have exclusive jurisdiction over all streets, roads, and alleys, for the purpose of vacating, opening, and repairing the same; and it shall be the duty of the common council to provide for the opening and keeping the roads, streets, and alleys aforesaid in repair, and for grading the same, and building and repairing of all necessary culverts and bridges, and it shall be the duty of the supervisor to obey all such by-laws and ordinances under such penalties as said common council shall from time to time provide, and for any such neglect as aforesaid he shall also be liable to any person injured for such damages as they may have sustained, which may be recovered before the mayor by action on his bond or otherwise.

Sec. 20. The common council shall levy and collect a road tax on the taxable real estate of said town and within said corporation, [of] not less than ten cents on $100 of valuation in any one year, to be levied and collected as other taxes, and which shall be in full of all road tax on real estate within said town. Two days' labor shall be performed on the streets and alleys of said town, by all persons residing in said town, now liable to work out their personal privileges, in each and every year, which labor shall be in full in said county, of all road labor for the year the same may be worked out.

Sec. 21. It shall be the duty of the common council to keep a record of all its proceedings, to be drawn up each day by the recorder, or, in his absence, by such person as they may appoint temporarily, and be signed by the mayor, and copies thereof signed by the mayor and sealed with the seal of [the] corporation, and attested by the recorder, shall be evidence of the same in all courts and elsewhere.

Sec. 22. It shall the duty of the recorder to make a fair list of all persons taxable with a poll, road tax, and personal or real property, with its valuation, after the same form that county auditors are required to do, and shall, on or before the first day of September of each year, (unless for good cause the council shall give further time,) certify and attest and present the same to the mayor for his signature and the corporate seal, who shall sign and seal the same, [and the recorder shall forthwith deliver the same to the treasurer, and it] shall be sufficient authority for the treasurer to collect the same by the first day of December in each year, and in all cases, if the taxes are not paid by that time by any individual, it shall be the duty of the treasurer to proceed and collect the same

by distress and sale of any personal property of such delinquent by giving ten days' notice of the time and place of such sale by written notices set up in three public places in said town, and for the payment of such taxes the tax payer may select such property to be sold at the time of making the levy; and the property sold for taxes shall be sold to the highest bidder therefor, and all other taxes shall be enforced and collected in the same manner and in every respect that county treasurers are or may be authorized and required to collect taxes, and sales of real estate, and deeds therefor shall have the same force and effect as deeds for the non-payment of State and county tax, and the owner have the same right of redemption, upon similar conditions and provisions, and the treasurer shall have the same costs and fees as county treasurers, to be collected and paid in the same manner. And said [treasurer is hereby authorized to collect the same as fully as county] treasurers are or may be authorized to do: *Provided always*, That all deeds made under the provisions of this act shall be made by the mayor, and signed by him and sealed with the corporate seal, and all such deeds shall be *prima facia* evidence of the regularity of such sale; and if any real estate should not be sold, the taxes thereon shall remain a lien thereon, and shall be added to the next year's tax on such real estate, and collected as the taxes of that year may be collected. The mayor shall be allowed one dollar for every [deed] by him executed as above, which sum shall be paid by the grantee on the delivery of such deed.

Sec. 23. The first regular meeting of the common council next after an assessment of taxable property, or the adoption of the county assessment, shall be a term for appeals to correct all illegal and unjust assessment: *Provided*, That nothing herein contained shall prohibit them from fixing another day for the correction of assessments, and all mistakes and errors therein, and of which ten days' notice shall be given by written advertisements set up, one in each ward.

Sec. 24. All debts, dues, and property of the former corporation of said town shall be collected, received, and held by the new corporation as fully as if such debts and dues had been contracted with the said new corporation, and all debts or other liabilities of the former corporation shall be paid by this corporation in the same manner that debts contracted by them are payable.

Sec. 25. The mayor, before entering upon the duties of his office, shall give bond and security for the faithful discharge of the duties of his office, in all respects as is required of justices of the peace, which bond shall be taken, approved, and filed as is provided in cases of bonds given by justices of the peace, and may be put in suit from time to time and recovery had thereon, in like manner, and under the same rules and regulations of bonds of justices of the peace.

Sec. 26. The mayor shall be conservator of the peace within said town, and shall have all the power and authority, rights, jurisdictions, and immunities of a justice of the peace, to be exercised within said town, and shall be authorized to direct any process by him issued to the marshal of said town, or to any constable of the township of Centre, who shall be bound to serve and return the same, as constables are bound to serve and return like process; and said mayor shall be empowered upon view or upon information upon oath or affirmation, of the violation of any penal law of the State, or of any ordinance or law of said corporation, to issue his warrant under his seal and cause the person charged with such violation, to be brought before him, and to summon witnesses and jurors and issue attachments therefor, and hear and determine any and all such accusations, and recognize he accused to appear before the circuit court to answer the charge, and in default of such recognizance, to commit him, her, or them to the jail of the county, to impose fines and render judgments and award executions thereon, to recognize witnesses, allow and tax their fees, correct the fees of officers, and generally to do all acts in the premises, which a justice of the peace may do to hold his court and enforce his judgments, and have execution thereof; and when any person shall be convicted and adjudged guilty by him, of any offense against the laws of this State, or the laws or ordinances of said corporation, said mayor shall have power to impose a fine on such person or to cause him to be imprisoned not exceeding ten days, as may be provided by such ordinance or by the laws of the State; and all judgments rendered by the mayor, shall have the force and effect of judgments rendered by a justice of the peace, and may be enforced or replevied in like manner. And the mayor shall be entitled to the same fees of justices of the peace for similar services, to be taxed and collected in the same manner.

Sec. 27. The marshal, constables, jurors, witnesses, and all others rendering service, shall be entitled to the same fees for services in causes and trials before the mayor, that are now allowed or may hereafter be allowed for similar services before justices of the peace; and all process issued by the mayor, in cases for the violation of the laws and ordinances of the corporation, or the laws of the State, may be served in any part of the county of Hancock, as also all subpœnas and venires.

Sec. 28. The mayor shall preside at the meetings of the common council, and keep order, and shall sign their proceedings, and when necessary, seal the same with the seal of the corporation, and shall also sign and seal all licenses granted by the corporation for any purpose whatever.

Sec. 29. The common council (four of whom shall constitute a quorum to do business) shall and may, from time to time, hold sessions of their body in said town, at such place as the mayor shall appoint, and shall have power and authority at such sessions, to pass and publish all such laws and ordinances, as to them shall seem necessary, relative to the regulation and improvement of streets, alleys, side-walks, roads and highways; to clearing, raising,

draining, turnpiking, McAdamizing, or otherwise making and keeping the same in repair; to making, causing, and requiring the owner or owners of in-lots to pave or otherwise improve the sidewalks in front of his or her or their respective in-lots; to establish and regulate markets; to regulate the inspection of flour, beef, [and] pork; the sale of hay and wood, and the licensing and regulation of drays, cabs, hacks, omnibuses, and other carriages conveying passengers for gain in the town; to restrain or regulate sheep, cattle, horses, swine, or dogs, running at large in the town. To regulate buildings, public and private, to planting trees for ornament or use, public or private, to cleansing of chimneys, to preventing and extinguishing fires in the town, to regulate the height and extent of fences, and to provide by ordinances, for imposing reasonable fines and penalties upon all persons violating the laws and ordinances, as the said common council shall deem necessary and proper for the health, safety, cleanliness, convenience, quiet, and good government of the town and the inhabitants thereof, not contrary to the laws of United States or of this State, all of which laws and ordinances passed as aforesaid, shall be kept by the recorder, and shall be published in a newspaper, if any be published in said town, or if there be none, then by being posted up at the court-house door; after which publication, the same shall be in force, and so shall remain until repealed, amended, or annulled by the common council, and the oath of the recorder shall be prima facie proof of such publication.

Sec. 30. The common council shall, from time to time, appoint all such officers as they shall find necessary or convenient to enable them to carry into effect the powers conferred by this act, and may prescribe the duties of all the officers of the corporation, and by fines or penalties, enforce the observance of the same, and alter the same, from time to time, as experience may suggest, not inconsistent with the provisions hereof. Before the treasurer, recorder, or marshal shall enter upon the duties of his office, he shall give bond with good security to the acceptance of the mayor, in such penalty and with such conditions as the common council shall prescribe. And it shall be the duty of the said council, to require like bond and security from all officers by them appointed, any and all of which bonds shall be payable to the said common council, and any such bonds may be put in suit by any person, body corporate or politic aggrieved by the official acts of such officers, subject to the same rules, and governed by the same laws that the bonds of township officers are or may be governed, and certified copies of such bonds, signed by the mayor and sealed with the corporate seal, attested by the recorder, shall be sufficient evidence of their existence and validity, and for all such copies, the recorder may demand and receive the sum of seventy-five cents, twenty cents of which he shall pay over to the mayor for his services.

Sec. 31. It shall be the duty of the recorder to [keep] a record of the proceedings of the common council in a book to be provided for

that purpose, and make and certify all transcripts and copies thereof, when thereto required by any person interested, and shall record all laws and ordinances, with proof of the publication thereof, in a separate book, which shall, at all reasonable hours, be open to the inspection of all persons desirous of examining the same. He shall safely keep all the other books and papers of the corporation, and do and perform all other duties imposed upon him by the common council, and for his services shall receive such fees as shall be allowed him by said council, which shall be paid at such times as they shall provide by law. He shall keep an account current upon the treasurer, and publish annually a list of the receipts and expenditures of the corporation. He shall write out and attest all licenses granted by the corporation, but they shall not have any force or effect until signed by the mayor, and sealed with the corporate seal; *Provided however*, That no license shall ever issue, except the treasurer's receipt, for the tax assessed thereon, be first filed with the recorder. He shall have power to administer all oaths necessary to the discharge of his official duties, or the transaction of the business of the corporation. In the absence of the mayor he shall perform, temporarily, the duties of that office, except so far as the duties of the mayor as a justice of the peace may be concerned. And in case of the death, resignation, or removal of the mayor, he shall have [the] care and custody of the books and papers and the corporate seal and other property of the corporation, until a successor to such mayor shall be chosen and qualified, to whom he shall, upon demand, forthwith deliver the same.

Sec. 32. The said town shall be laid off into five wards by the common conncil, at their first meeting, and from and after the annual election in 1851, one of the trustees shall reside in each of said wards, and be the representative thereof: *Provided, always*, That the said common council may, at any time they shall deem it necessary to do so, alter the boundaries of said wards, so as to make the same as nearly uniform as possible, in the [number of qualified voters therein: *And provided also*, That the] said common council shall have power to provide for an election in each ward, and the qualified electors of each of said wards electing their own trustee separately; and whenever any trustee shall remove from the ward for which he may have been chosen or appointed, his office shall be vacated.

Sec. 33. The common council may assess, levy, and collect taxes annually, upon all polls and property subject to a State or county tax that may be in said town, including all stock in chartered companies, and on all real estate of religious or literary institutions other than the lots or parcels of ground upon which their houses of public worship, colleges, universities, or seminaries may be situated, the poll not to exceed fifty cents, and one fourth per cent. on each one hundred dollars worth of taxable property, unless upon a vote of a majority of all the inhabitants of said town,

subject to taxation, which shall be assessed, levied, and collected in such manner as the council shall provide: *Provided, always*, That the marshal of said town shall *ex officio*, be the assessor thereof, and shall have all the powers in so doing, of county assessor: *Provided further*, That the common council shall have the option of adopting the county assessment of the property and polls within said town, as the basis of taxation for the year, and all property omitted to be assessed, shall be assessed by the treasurer, and the taxes collected thereon, in the same manner that county treasurers may do.

Sec. 34. The election of mayor may be contested before common council, and the election of all other officers before the mayor, by any qualified voter of said town, subject to the same rules of procedure, that township officers are subject to, so far as the same are applicable.

Sec. 35. The marshal shall have the power and authority, and duties and liabilities of a constable of said township of Greenfield. It shall be his duty to attend in person or by deputy, all meetings of the common council, and carry into effect all orders of the mayor and of the council, and to serve and return all process directed to him by the mayor, or any justice of the peace of Greenfield, and to apprehend upon view, all violators of the law of the State or of the laws and ordinances of the common council, and forthwith convey such offender before the mayor, or in his absence, some justice of the peace, to be dealt with according to law, and to discharge such other duties relative to the police of the town, as may be required of him by the common council, to be by them prescribed by law or ordinance.

Sec. 36. It shall be the duty of the treasurer to collect, receive, keep, and disburse on the order of the common council, attested by the recorder, all moneys required to be collected by him, or which shall come to his hands by virtue of his office, and faithfully to account for the same in such manner and at such times as the common council shall prescribe. He shall perform all the duties in relation to the collection of the revenue assessed by the common council, that are or may be required of county treasurers, so far as said laws are applicable, and shall have the same powers and perform like duties.

Sec. 37. It shall be the duty of the marshal to see that the roads, streets, and alleys of said town are kept in as good repair as the means in his power will enable him, and all funds raised for road purposes in said town, shall be expended by him under the orders and direction of the common council: *Provided*, That no payments shall be made of any money out of the treasury, upon any contract made or to be made by him, until the same has been submitted to and approved by the common council, and the observance of his duties may he enforced by such penalties as the council shall ordain and establish, and for good cause he may be removed by the council.

Sec. 38. On the organizing of this incorporation, the former one shall be and is hereby dissolved, and it shall be and hereby is made the duty of the officers thereof, to deliver over to the new corporation, all bonds, deeds, notes, books, papers, and other property which may belong to them or be in their possession, and the treasurer of said former corporation shall pay over to the treasurer of the new corporation, all moneys that shall be found to be in his hands upon settlement, which he is hereby required to make with such new treasurer, upon being notified to do so, and said treasurer of the new corporation, shall make report thereof to the common council, and be charged with the amount by the recorder.

Sec. 39. This act shall be a public act, and be beneficially and liberally construed, and shall be in force from and after its passage.

CHAPTER CCXI.

An act to amend an act entitled "an act to incorporate the Cross Plains and Laugherty Turnpike Company," approved Jan. 15, 1849.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fifth section of the above entitled act is hereby so amended as to allow said company to hold an election for directors, and proceed to construct said road after six thousand dollars of the capital stock shall have been subscribed, and the directors shall not be required to be stockholders to a greater amount than two shares.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXII.

An act for a plank road from Newcastle in Henry county to Dublin in Wayne county.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Powell, Miles Murphy, William Grose, jr., and Joseph R. Leakey, of the county of Henry, and Pleasant Johnson, Isaiah Kirk, and John Whippo, of the county of Wayne, their associates and successors be and they are hereby constituted a body politic and corporate, under the name of the "New Castle and Dublin Plank Road Company," and by that name may contract and be contracted with, may sue and be sued, plead and be impleaded, in any court having competent jurisdiction, and do and perform all other things legitimate for such company to do; and they are hereby invested with all the powers and privileges in anywise necessary and expedient to carry into effect the proper business of said company.

Sec. 2. The capital stock of said company shall consist of twenty-five thousand dollars, which may be increased at any time to not double that amount. That [said] stock shall be deemed as personal property.

Sec. 3. Said stock shall be divided into shares of fifty dollars each, and may be taken in whatsoever the company may prescribe, and be payable in such way and manner and at such times and places as shall be by the company prescribed.

Sec. 4. Any four of the persons in the first section of this act named shall constitute a quorum for doing business, and so soon as may deemed expedient they shall meet at such place as shall be by them agreed upon, and shall proceed to open books for subscription of said capital stock, and do all other things necessary to be done for the full organization of said company.

Sec. 5. So soon as may be deemed expedient after eighteen thousand dollars of the capital stock shall have been subscribed, said commissioners in the first section of this act named shall appoint some suitable time and place for holding an election for seven directors, each of whom shall be a stockholder of at least two shares. Said commissioners shall in all things manage such election, and give proper certificates to the persons elected, who shall hold their offices for one year, and until their successors are duly elected and qualified.

Sec. 6. At said election, and each subsequent one, each stockholder shall have one vote on each share he may own up to ten, one vote on every two shares he may own oven ten up to thirty, and one vote for every five shares above thirty, and each stockholder may vote in person or by proxy in writing.

Sec. 7. The time, place, and manner of holding all subsequent elections shall be regulated by the by-laws of said company, except said elections shall be annually as near as may be convenient.

Sec. 8. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to said company. Said directors shall choose one of their number to act as president, they shall also appoint a secretary and treasurer, and this mode of organization and qualification shall be continued and observed by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business and to supply any vacancies that may occur in their own body.

Sec. 9. Said company shall have power to view, mark and locate, and construct, a plank road, or they may in their discretion construct said road, or any part of it, of gravel or stone, from the town of New Castle in Henry county via of New Lisbon to the town of Dublin in Wayne county; and in constructing said road said company may make the same or any part thereof, of gravel or turnpike if they may deem it proper so to do, and may follow such plan and use such materials as they may deem most expedient; and the said company shall have the right to lay the same along and upon any public highway in said counties that may be now in use.

Sec. 10. Said company may adopt such rules and regulations and make such by-laws as in their judgment the business and affairs of the company may require, and such as are expedient to perform the duties and carry out the powers vested by this act. They shall also have the power to appoint all needful officers, agents, and operatives, and require any of them to give such bonds as may be deemed expedient to enforce the payment of all stock subscriptions, at such times and places, and in such proportions as they may agree upon, under pain of forfeiture of the shares of stock taken by the delinquent and the payment made thereon to the company; or to sue for and recover the amount due thereon, at their option, to issue certificates of stock, regulate the transfer thereof, to acquire, sell, lease, and dispose of, such real estate as may be expedient for the interest of said company, to enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners of the lands and materials for the value of the damages done, to such amount or amounts as shall be just and reasonable, to erect, continue, and keep toll gates, to establish, charge, and collect from all such as may use said road, to make and declare dividends of profits to the holders of the stock, and to do all other acts expedient to be done, in accordance with the intent and meaning of this act: *Provided*, That said company shall not be allowed to receive a greater rate of toll on said road than is now allowed by the charter of the Henry county Turnpike Company.

Sec. 11. The service of all legal process on the president of said company shall be held in all courts to be a sufficient service on said

company, and on the trial of all suits and prosecutions brought by said company, the regularity of all their proceedings to entitle them to sue or prosecute, shall be presumed, but no common law ground of defence, when made to appear, shall by any thing herein contained, be construed to have been taken away.

Sec. 12. The signature of the president of said company, attested by the secretary, shall be deemed full evidence and authentication of any act of the company, unless it may be in such cases as the by-laws may require to be authenticated by the common seal of the company, and such seal they are authorized to devise, adopt, and use.

Sec. 13. This act shall be taken and deemed to be a public act.

Sec. 14. This act shall be in force from and after its passage and publication in the "Indiana Courier."

CHAPTER CCXIII.

An act in relation to wardens and vestrymen of the Protestant Episcopal Church.

[APPROVED JANUARY 16, 1850.]

WHEREAS, A doubt may arise whether, under the provisions of the thirty-fifth, forty-fourth, and forty-ninth sections of article II, chapter 25 of the Revised Statutes, a congregation of the Protestant Episcopal Church may lawfully elect more than five wardens and vestrymen; THEREFORE,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That any congregation of the Protestant Episcopal Church in this State may elect such number of wardens and vestrymen as may be desired, or as may be in accordance with their usage, not exceeding ten.

Sec. 2. That all elections heretofore held by any such congregation, in which a greater number than five wardens and vestrymen may have been chosen, be and the same are hereby declared legal and valid for all intents and purposes, the laws of this State in relation to such election having been otherwise complied with.

Sec. 3 This act to take effect and be in force from and after its passage.

CHAPTER CCXIV.

An act to incorporate the Clinton County Steam Mill Company.

[APPROVED JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That George Wimborrough, J. C. Williams, and Joshua K. Harlin, and their associates and successors, be and they are hereby constituted a body politic and corporate, under the name, style, and title of "the Clinton County Steam Mill Company," and by such name may sue and be sued, defend and be defended, answer and be answered unto, in any competent court in this State, or elsewhere, and by such name may make and have a common seal, and the same alter and change at pleasure, and shall be able and capable in law, of contracting and being contracted with, and doing all and every thing in their business as is allowed to individuals, might, could or would do.

Sec. 2. The said corporators above named shall also be considered directors of said company to all intents and purposes; they shall have power to open books when and where they may determine, for the subscription of stock, to said corporators; and, when for shares taken, the company shall organize, the subscriptions may be made payable, either in money, labor, things personal, or as said corporation may permit.

Sec. 3. The capital stock of said company shall not exceed ten thousand dollars, and shall be divided into shares of twenty-five dollars each, and not more than fifty percentum thereof shall be demanded in any one year.

Sec. 4. That the real and personal business property, funds, and prudential concerns of said corporation, and the administration of its affairs shall be under the management, direction, and control of a board of three directors, and after the first election, they shall be elected on the first Saturday of July annually, at such time, and at such place as said directors for the time being shall direct, they shall hold their offices for the term of one year, and until their successors shall be chosen, and notice of said election shall be advertised for two weeks, next preceding such election, by posting three written notices in three of the most public places in the vicinity of the society, and such plurality of votes received and counted in public by and under the inspection of three stockholders, not directors at the time to be previously appointed by the board of directors for that purpose, and at every election or other regular meetings of the stockholders, held under the provisions of this act, each stockholder holding one share or more shall be entitled to one vote; *Provided*, in case it should so happen that an election of directors should not be made on any days, when by this act it ought to have been made, it shall and may be lawful for said company to hold an

election for directors on any other day in such manner as may be provided for by the by-laws and ordinances of said corporation.

Sec. 5. That the company shall elect their President and Secretary at the same time and in the same manner that the directors is elected, and they shall hold their office for the same space of time; should death, resignation, or any other cause prevent any of said officers from officiating in their place, the board shall appoint in their stead *pro tem.*

Sec. 6. That the directors duly elected, shall as soon as may be after they are elected annually, elect from their own body a treasurer and collector, who shall serve as such until the next annual election, they shall fill all vacancies which may occur in their own body during the time for which they were elected, and shall appoint any other officers that may be necessary, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board under said regulations, restrictions, and limitations, not inconsistant with the provisions of this act, and the by-laws, rules and ordinances of said company, as the directors for the time being shall prescribe, they shall make such by-laws, rules, and regulations for their own government and company and all matters thereto as shall be needful and proper not contrary to the provisions of this act, and the by-laws, rules, ordinances, and regulations adopted at any regular meeting of the stockholders, on the first Saturday of July annually, make and declare such dividends of the profits resulting from their business, as shall not impair, or in anywise lesson the capital stock of the same, [and cause the same] to be paid to the several stockholders; *Provided*, That no such dividend shall be paid [on any stock that has not been fully paid] for, but shall be passed to the credit of such stock as part payment thereof.

Sec. 7. Certificates of stock shall be given to the stockholders, which shall be evidence of stock held, said certificates shall be signed by the President, and countersigned by the Secretary, the stock shall be assignable by transfer on the books of the company personally or agent, or attorney, or by the executor, administrator, or guardian, the consent of the President and directors being thereto had, but such stock shall be held at all times by the company for any dues from the holders thereof to the corporation, or for any sums that may thereafter become due, or contract made prior to such transfer; *Provided*, That after payment in full of any shares in said capital stock the certificates therefor shall be assignable by endorsement upon the same.

Sec. 8. And the said directors of said company shall be held personally liable for all debts by them contracted above the solvent stocks of said company.

Sec. 9. That the manufacturing establishment contemplated in this act shall be erected on the south side of the Miami Indian Reserve Prarie, or near to it in the county of Clinton.

CHAPTER CCXV.

An act to incorporate the Indianapolis and Brownsburg Plank Road Company.

[APPROVED JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Archibald Alexander, Morton Green, and Benjamin M. Logan, of Hendricks county, and James Johnson, and John Carlisle, of Marion county, be and they are hereby appointed commissioners to open books at suitable places in the State of Indiana, for subscriptions to the capital stock of a company, for the construction of a plank road from Pittsborough, in Hendricks county, by way of Brownsburgh, in said county of Hendricks, to the Central Plank Road, immediately west of Indianapolis, in Marion county, to be called the "Indianapolis and Brownsburgh Plank Road Company," at any time within twelve months from the passage of this act; *Provided*, Said commissioners, or any three of them, shall give twenty days' notice of the time and place of opening said books, by publishing in one or more of the newspapers, published nearest the contemplated line of said road.

Sec. 2. Said commissioners shall determine at what point or points books shall be opened, and the length of time they shall be continued open at each point, for subscription of stock to said company.

Sec. 3. The stock of said company may consist of money, labor, materials, or such other property, either real or personal, as may be agreed upon by the commissioners, or the board of directors, after being elected, and whenever ten thousand dollars shall have been subscribed as stock in said company, and the sum of two thousand dollars thereof, either in cash or approved promissory notes, given without any relief whatever, from valuation or appraisement laws, shall have been received by said commissioners, it shall be their duty to order an election for directors of said company, to be held in some convenient place on the line of said road, to be appointed by said commissioners, at such time as they shall designate, giving at least twenty days' notice thereof, in one or more newspapers published near the line of said road, and by posting up written or printed notices thereof, in the said towns of Pittsborough and Brownsburgh.

Sec. 4. All subscription to the stock of said company, other than cash, shall be received only at such valuation as shall be affixed thereto, by three disinterested appraisers, to be appointed by the directors of said company.

Sec. 5. Said commissioners, or a majority of them, shall attend said election, and conduct the same by opening a poll and receiving votes between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., of said day, and after the voting shall have been closed, they shall immediately open and count the ballots, and shall disclose the

number of votes cast, the number received by each individual voted for, and declare those to have been duly elected directors, who shall have received the highest number of votes.

Sec. 6. The directors of said company shall be five in number, three of whom shall constitute a quorum for the transaction of business; all vacancies occurring in said board, shall be filled by a majority of said directors, and the person appointed by said board, shall serve until a new board shall be chosen and qualified; *Provided, however*, That no person shall be eligible to hold the office of director, who is not a stockholder in said company, and every director thus chosen, shall serve as such until his successor is chosen and qualified.

Sec. 7. At all elections for directors, each stockholder shall be entitled to vote as follows: For each share, one vote; *Provided*, No stockholder shall be entitled to more than twenty votes, and such votes shall be cast in person, or by proxy, appointed in writing and signed by said stockholder; and no stockholder shall be entitled to vote after the first election, unless the stock by which he claims to vote shall have been held by him at least three months prior to such election, and no officer of said company, shall vote at any election of directors, as agent, attorney, or proxy of any stockholder.

Sec. 8. The board of directors first chosen, according to the provisions of this act, shall meet at such time and place as a majority of the commissioners aforesaid, may designate, whose duty it shall be to give said directors notice thereof, within ten days after such election, at which meeting it shall be the duty of said directors to appoint one of their number president of said board, and they shall also appoint a treasurer and secretary of said company, whose duties, terms of service, and compensation, shall, from time to time, be regulated by said board.

Sec. 9. Said board shall, at their first or some subsequent meeting, fix the time for the next annual election of directors, not more than one year from the time of said meeting, and all subsequent elections for directors, shall be held annually thereafter, and conducted in such manner as the board may prescribe.

Sec. 10. Notice of the election of directors, at each annual election, shall be given as provided in the third section of this act.

Sec. 11. Each board shall continue in office, for the term of one year, and until a new board are chosen and qualified; and in case any annual election shall not be held on the proper day for holding the same, it shall be held at some early day thereafter to be fixed by the directors then in office, giving the same notice thereof, as required to be given for elections regularly held.

Sec. 12. The aforesaid commissioners, as soon as the first board of directors of said company shall have been organized, or within ten days thereafter, shall deliver over to said board, the subscription books of stock, and shall pay over to the order of said board, all moneys or property received by them on such subscription, and in

case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have destroyed or concealed any of said books with intent to defraud said company or any stockholder or stockholders thereof, such commissioner or commissioners so offending shall, upon conviction thereof, by presentment or indictment, be fined in any sum not exceeding ten thousand dollars, and be imprisoned at hard labor, in the State prison, for a term of time not exceeding ten years nor less than one year.

Sec. 13. The board of directors of said company, shall have power to supply vacancies in the office of president, secretary, and treasurer of said company, and to meet from time to time, as may be thought expedient; to adjourn from time to time, as they may think necessary; to adopt and establish such rules and regulations and make by-laws not inconsistent with the laws of this State, as in their judgment, the business of the company may require, and are necessary for the better organization of the company, and to enable them to do and perform their duties and carry out the designs of the powers granted by this act; and alter and amend at pleasure, any by-law of said company, as the said board may deem necessary; to appoint all subordinate officers, engineers, agents, and workmen, that may be necessary to carry out the objects of said company; to demand at such time and in such proportion as they shall see fit, the sums of money, or subscriptions in labor or materials, due from stockholders, on their respective subscriptions of stock, under pain of forfeiture to the company, of the shares of their stock, and all previous payments thereon, or of such other penalty as may be prescribed by the by-laws of said company, or to sue therefor, and recover the amount due in an action of debt or assumpsit in any court of competent jurisdiction; to issue proper certificates of stock to the stockholders; and to determine in what manner and under what restrictions the shares of stock shall be transferable; to fix the compensation, and prescribe the duties of the several officers and agents in the employ of said company; to require such bonds, obligations, and securities from the treasurer, secretary, and other officers of the company, as may be deemed necessary; to open and continue open, as long as necessary, books for the subscription of stock in said company; to acquire, purchase, sell, lease, and dispose of real estate for the use of the company; to establish and construct toll-houses, offices, mills, and all necessary structures, fixtures, machinery, and apparatus for building and keeping in good order, said plank road; to order and cause to be made, all estimates, surveys, and lettings of work at such times and places as they may determine; to prescribe such form of contracts, rules, regulations, and specifications for the performance of work, as they may judge proper; to make and construct and keep in constant repair, said road; to make and declare dividends of profits and income of said road, and its appurtenances, mills, and such other sources of income as said company may have, among the stockholders, at such times as they may deem expedi-

ent, and do all other necessary and proper acts in accordance with the provisions of this act, according to its true intent and meaning.

Sec. 14. The said directors when elected, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of "the Indianapolis and Brownsburgh Plank Road Company," and by such name, may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction, within this State, and may make or adopt a common seal, and the same to alter at pleasure.

Sec. 15. The capital stock of said company may be fifty thousand dollars, which may be increased at the pleasure of said company, to any sum not exceeding one hundred thousand dollars, that may be deemed necessary to carry into effect, the legitimate objects of said company, and said stock shall be deemed personal property.

Sec. 16. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, or company, to be paid for, and at such times as provided for in sections three and thirteen of this act, the payments being equal *pro rata*, upon all the stockholders.

Sec. 17. The corporation is hereby empowered to construct said plank road along and upon any State or county road, as to them may seem proper and expedient, and if said company desire so to do, they may take releases and conveyances of the necessary lands of any and all persons over whose lands the road may be located, and any such release or conveyance may be executed by any infant, feme covert, guardian, executor, or administrator, and being so executed, shall be valid and effectual in law, and vest in said company a full and complete title in fee simple, to the lands so conveyed or released.

Sec. 18. Said company shall cause said road to be opened, and shall construct the same of plank, timber, or other hard material, so that the same shall form a hard and even surface, and that portion built of plank or timber, or other hard material, shall form a permanent single track road, with proper grades and structures of earth on one or both sides, to enable teams or vehicles to pass each other, and to be of a width and be constructed in the particular manner that said company may determine.

Sec. 19. Said road may be commenced so soon as ten thousand dollars is subscribed, and shall be completed by or before the first day of December, A. D. eighteen hundred and fifty-six.

Sec. 20. Whenever four continuous miles of said road shall have been completed, as herein required, said company shall have power to erect a half toll-gate, and demand and receive toll for passing the same; and for every additional four miles so completed, said company may erect half-toll gates and collect and receive toll for passing the same, at the rates hereinafter mentioned.

Sec. 21. The following shall be the rates of toll for each and every eight miles of said road, and in the same proportion, for a greater or less distance, to-wit: For each and every four-wheeled

carriage, wagon, or other vehicle, drawn by one horse or other animal, not exceeding twelve cents; for every horse or other animal in addition, four cents; for every cart, chaise, or other two-wheeled carriage of any description, drawn by one horse or other animal, not exceeding eight cents; for every horse or other animal in addition, four cents; for every sleigh or sled, drawn by one horse or other animal, eight cents; for every horse or other animal in addition, four cents; for every coach, chariot, or other pleasure carriage, or vehicle, when used or chiefly designed for the conveyance of persons, drawn by one horse, twelve cents; for each additional horse or other animal, four cents; for every horse or mule and rider, five cents; for each horse, mule, or ass, six months old and upwards, led or driven, not exceeding three cents; for each head of neat cattle, six months old and upwards, not exceeding two cents; for each head of sheep or swine, not exceeding one-half cent.

Sec. 22. The board of directors of said company, or an agent by them lawfully authorized, shall have power to negotiate any loan or loans, not exceeding in amount one-half of the amount of stock actually subscribed to said company, upon a rate of interest not exceeding eight per cent. that may be by said company deemed expedient for carrying out any or all the objects contemplated by this act, and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the president and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon the stock and effects of said company, in the order of their issue, and all effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal.

Sec. 23. No person shall drag along or across said road any log, wood, or timber, so that said log, wood, or timber, comes in contact with said road when made of plank or timber under a penalty not exceeding twice the amount of damage done, to be sued for and collected by said company for their own use.

Sec. 24. No toll shall be exacted of any person or persons while actually going to or returning from militia mustering, from any religious meeting on the Sabbath, or from any legal voter going to or from any State, county, or township election, by any toll-gatherers within the township in which said voter may reside, or from any person or persons forming a funeral procession or returning from a burial.

Sec. 25. The toll gatherer at each and every gate, when erected on said road, in pursuance of this act, may detain, and prevent from passing such gate, any carriage or animal subject to toll, until the toll thereon is paid.

Sec. 26. Any person who shall willfully break or injure any gate on such road, which may have been erected in pursuance of the provisions of this act, or shall injure said road, or bridges belonging to said road, in any way, or forcibly or fraudulently pass any such

gate, without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage, or animal, turn out of said road, or pass any gate thereon, on ground adjacent thereto, and again enter on such road, shall, for each offence, forfeit a sum not exceeding ten dollars, to be sued for and collected by said company, for their own use.

Sec. 27. The corporation hereby created shall exist and be continued for, and during the term of fifty years.

Sec. 28. The legislature may at any time, when said company shall have violated any of the provisions of this act, have power to repeal said act, and this act may at any time be altered or amended at the request of two-thirds of the stock-holders of said company.

Sec. 29. The directors of said company shall be individually liable for all debts contracted by said company over and above the amount of solvent stock subscribed to said company.

Sec. 30. This act shall be in force from and after its passage, and taken and deemed a public act, and shall be liberally construed to effect the object contemplated.

CHAPTER CCXVI.

An act to incorporate the town of Liberty, in Union county.

[APPROVED, JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the county of Union as is included in the following bounds, to-wit: All that part of said county known as the town of Liberty, including the in-lots and out-lots of said town, as known and recorded on the plat or plats of said town of Liberty duly filed and recorded on the records of said county.

Sec. 2. That said town shall be divided into five wards, according to the order of the board of common council hereafter made and ordered by said board when lawfully organized, and in council.

Sec. 3. That the qualified voters of said town of Liberty, shall, on the first Monday in April annually, elect one common councilman, to represent each ward; and the person so elected shall hold his office for the term of one year, and until his successor is elected and qualified; and the said common councilmen when so chosen and qualified as hereinafter provided, shall constitute the common council of the town of Liberty; but no man shall be eligible to the office of common councilman who is not a resident householder of said town, and of the ward that he is elected to represent, being also a qualified voter of the county of Union.

Sec. 4. The common council shall meet annually within ten days after the day of their election, and shall take an oath or affirmation in the nature of an oath of office, and when thus qualified, shall duly organize themselves for the purpose of performing the duties devolving on them as such councilmen, under this act of incorporation, electing a president, secretary, treasurer, and marshal, either, or all of whom, except the president, may be elected out of the council, being voters residing within the bounds of said corporation, who shall give bond for the faithful discharge of their respective duties according to law, under the order of the board; and the duties of each officer shall be specified and declared by the by-laws of said corporation.

Sec. 5. The common council shall meet monthly for the purpose of acting as a board of common council, and oftener if necessary, and shall sit on their own adjournments, under the order of the president; and all acts and proceedings of said council, when so met, shall deemed and taken as the acts and proceedings of said board, and shall, in all courts of law and equity in this State, be acknowledged and received as such, and not otherwise: *Provided, however*, any three of said councilmen shall constitute and be a quorum for doing business.

Sec. 6. The common council shall have the custody and management of all the corporate property, real and personal, and all revenues belonging to the town, within or without said town, and shall have power for and within the town to make, establish, publish, alter, modify, amend, and repeal ordinances, rules, regulations, and by-laws for the following purposes and upon the following subjects, to-wit: To restrain and prohibit all descriptions of gaming, and every kind of fraudulent device and practise in said town; to regulate and license, or refuse to license, all taverns, coffee houses, house or houses for the sale or barter of spirituous or intoxicating liquors; to regulate and license, or refuse to license, all places of amusement, theatrical exhibitions, and all exhibitions where money or anything of value is charged or received for admission to the same; to establish markets and market houses; to restrain and regulate the running at large of cattle, horses, swine, and other domestic animals, by inflicting suitable penalties upon the owner or owners of them, for each and all violations of said regulation or regulations, ordinance or ordinances made for said regulation; to prevent the incumbrance of the streets, lanes, alleys, or side-walks with carriages, carts, boxes, lumber, timber, firewood, bricks, stone, or other substance or material whatsoever, and to declare what shall be deemed nuisances within said town, with power to abate or remove the same, or punish by suitable penalties the person or persons causing or continuing the same; or abate and punish at discretion, or both, as the case may be; and to punish each and every person or persons who may be wilfully guilty of cruelly and maliciously treating any domestic animal within the bounds of said town, and shall have power and authority to pass and enforce ordi-

nances for the prevention and punishment of all disorderly conduct, or of any practice, act, or device not herein specified, which is calculated to disturb the peace, or in any way to interfere with the comfort of any of the inhabitants of said town.

Sec. 7. That in addition to the aforesaid powers and authority hereby granted to said corporation, the said board of common council shall have, and hereby are empowered with all the powers and authority specified in article one of chapter 25 of the Revised Statutes of 1843, the same being an act for the incorporation of towns, and the same, so far as applicable, shall be deemed and construed as a part of this act: *Provided, however*, That nothing therein shall be taken to operate against any powers, privileges, or authority granted to said town of Liberty by the present act of incorporation.

Sec. 8. For the purpose of revenue, the board of common council shall have power to levy an *ad valorem* tax, not exceeding one-half of one per cent. on all real estate, including improvements, situate in said town as incorporated; and also a like tax on all personal property belonging to the residents of said town; also, a poll tax of twenty-five cents on every citizen or resident within said incorporation taxable by law: *Provided, however*, That each family shall be allowed to retain one hundred and fifty dollars of household furniture free and exempt of said taxation.

Sec. 9. It shall be the duty of the secretary and treasurer to make out annually a list of the taxable inhabitants within said town, with the rate of taxation levied, on the first Monday of May, or within a reasonable time thereafter, and file the same with the auditor of the county of Union, during said month, who shall enter the same in a separate column or columns on the duplicate for the present year, and shall make the proper assessment thereof upon the property and person chargable in the same manner as for State and county revenue, according to the regular assessment and appraisement thereof in his office, and shall add the same in the aforesaid columns to the duplicate of the current year; and the county treasurer of the county of Union shall collect and settle for the said taxes, at the same time and manner as for other taxes, and shall pay the same over to the treasurer of said town after deducting the per centage allowed to the same by law for collecting State and county revenue.

Sec. 10. That the board of common council shall have full power and authority to pass and enact all orders and ordinances necessary to be made or enacted, for carrying out the object and intent of this incorporation; and the said board shall have full power and authority to enforce their by-laws and ordinances, in all cases herein specified, but no fine, penalty, or forfeiture shall be inflicted on any one person for a breach of any one of the by-laws or ordinances of more than ten dollars for each offence, which penalties and forfeitures may be recovered before any justice of peace in

the said town, by an action of debt, in the name of said corporation, for the use of the said town Liberty.

Sec. 11. No by-law or ordinance shall be in force until it shall have been regularly entered on the records of said corporation, and signed by the president; and the same shall have been published for two weeks in some newspaper of the county, if any one is published in said county; and in the event of there being no paper published in the same, then, in any newspaper published in the adjoining county.

Sec. 12. The said board of common council shall have full authority and power to appoint or elect all officers necessary and proper for the purpose of carrying out the intent and meaning of this act of incorporation, and to pay the several officers a reasonable compensation for their respective services; said board shall have full power to remove all or any officer or officers, for any proper cause, and to supply all vacancies which may occur in the said board by death, removal, or resignation, or from any other cause whatever.

Sec. 13. No by-law or ordinance shall contravene or conflict with the general laws of this State, otherwise the said law or ordinance shall be null and void.

Sec. 14. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this State without proof; and each and every member of this corporation, (except the board of common council during the term of their service in office), shall be a competent witness in all suits either for or against the corporation.

Sec. 15. That the inhabitants of the town of Liberty, resident within the limits of said town as described and specified in this act, be, and are hereby incorporated and created a body corporate and politic, with perpetual succession, by the name and style of the "Town of Liberty," and as such body corporate, and by that name, they shall be capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law or equity, and shall have the power of purchasing, enjoying, and conveying real and personal estate, and as such may have and use a corporate seal, and the same alter at pleasure, and as such shall have, exercise, and enjoy all the rights, powers, immunities, and privileges which pertain to municipal corporations.

Sec. 16. This act to be in force from and after its passage.

CHAPTER CCXVII.

An act to incorporate the Mount Carmel and Owensville Turnpike Company.

[APPROVED, JANUARY, 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry Garnhel, Baily W. Martin, Joseph Marick, Charles Fullerton, and John L. Waters, of the county of Gibson, and their associates and successors in office, duly elected and qualified, be, and the same are hereby created a body politic and corporate, by the name and style of the "Mount Carmel and Owensville Turnpike Company," for the purpose of laying out and constructing a turnpike road, beginning at the Wabash River, opposite Mount Carmel, extending across the Wabash flats to the high lands near the farm of Thomas Summers and Isaac Montgomery, and thence to the town of Owensville, in the county of Gibson, with full powers to sue and be sued, to answer and be answered unto, to plead and be impleaded, defend and be defended, in any court of justice in the State, and to adopt such by-laws as they may deem best, not contrary to the laws of the State, to have a common seal, and to alter and change the same at pleasure.

Sec. 2. The directors named in this act shall at such time and place as they may deem best, cause books to be opened for subscription to capital stock to said company, each share of stock not to be for a less sum than twenty-five dollars, unless otherwise ordered by the board of directors, and when a sufficient amount of stock shall have been subscribed, in the opinion of the directors, to justify a commencement of said road, the corporation shall have full power and authority to view, mark, and locate a turnpike or plank road, or such portion of either as a majority of the board of directors may agree upon, from the Wabash River, opposite Mount Carmel, in the county of Gibson, extending across the Wabash flats to the high lands near the farm of Thomas Summers and Isaac Montgomery, and thence to Owensville, in said county of Gibson.

Sec. 3. It shall be lawful for said corporation, either before or after the location of said turnpike or plank road, to obtain from any person or persons through whose land said road may run, a relinquishment of so much land as may be necessary for the construction of said road, also the stone, timber, and other materials, that may be obtained on said route, and may contract for any stone, timber, and other materials, on any lands near to said road, for the benefit of said corporation; and said corporation may receive by gift, grant, donation, or bequest, made and entered into in writing, by any persons capable in law of contracting, made in consideration of such location of said road, and for the benefit of said corporation, lands, money, labor, stone, timber, or any other kind of property,

and all such gifts, grants, donations, and bequests, shall be binding and obligatory; and the said corporation shall have their action at law or in equity, to compel a compliance therewith: *Provided*, That no such contract, relinquishments, gifts, grants, donations, or bequests, shall be binding and obligatory, unless the same shall be in writing, and signed by the party making the same.

Sec. 4. That whenever said corporation shall have procured the right of way, as herein provided, they shall be seized, in fee simple, of the right to said land, and shall have the sole use and occupation of the same for the purposes aforesaid, and no person, body politic, or corporate, shall in any way interfere with, molest, disturb, or injure the corporation, in any of the rights and privileges granted.

Sec. 5. When such real estate or materials cannot be had by donation or fair purchase, the corporation, their agent or attorney, shall file a declaration setting forth the facts of the case before some one of the nearest justices of the peace, who shall summon the owner of said land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, on the lands or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, and shall report thereon, whether such person is entitled or not, and if so, how much, and shall file such report with such justice, whereupon such justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a re-view of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint viewers, as above directed, who may report at that or the succeeding term of the court, and the judgment of the court shall be final.

Sec. 6. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization, a majority of said board shall be a quorum to do business.

Sec. 7. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employment, which journal and proceedings shall from time to time be signed by their president; they shall sit upon their own adjournments, or on the call of the president; when the president is absent, they may appoint a president *pro tempore*, and shall fill all vacancies that may occur in their body.

Sec. 8. The corporation shall have power to call for such part

of the stock subscribed as may seem to them necessary to carry on the work, to be paid by the stockholders in such materials, land, labor, or money, as shall have been designated by the party subscribing for the stock, to be paid at such time and place as the board of directors may designate, by giving written notice to the stockholders; in all such notices the amount demanded on each share, and the time and place of payment shall be set forth, and it shall be the duty of the board of directors to give to each person subscribing for stock in materials or labor, notice to furnish the same upon the road, designating the point where it will be received; and if any stockholder shall neglect or refuse to pay or furnish such requisition within ten days after the time mentioned in such notice for such payment, the corporation shall have power to collect the same by an action at law, in any court of competent jurisdiction.

Sec. 9. The corporation shall require of all officers, and others in their employment, bond, with security to their acceptance, with such penalty or penalties as they may think proper for the faithful performance of their respective duties.

Sec. 10. If the directors of said company shall determine to make a plank road upon any or all of the route above mentioned, they shall be governed in all respects by the provisions of the general act "authorizing the construction of plank roads," approved January 15, 1849: *Provided, however*, If any provision in either section of said act shall conflict with the obvious intent and meaning of this act, said provision shall be null and void, so far as relates to the company hereby incorporated.

Sec. 11. The capital stock of said company shall be twenty thousand dollars, with power to increase the same to forty thousand dollars.

Sec. 12. So soon as said corporation shall have completed said road, or any continuous five miles thereof, agreeably to the provisions of this act, they may erect [a] gate or gates at a suitable distance apart, not less than five miles, and demand and receive of persons travelling on said road, such rate of tolls for each and every five miles of travel on said road, and in the same proportion for a greater or less distance, as they may, under their by-laws, direct: *Provided, however*, The rates of tolls shall be put up in legible characters on a board, at every gate of the company.

Sec. 13. This act is hereby declared a general act, to be in force from and after its passage, and liberally construed in all courts of justice.

CHAPTER CCXVIII.

An act to legalize a certain order of the Knox Probate Court.

[APPROVED, JANUARY 21, 1850.]

WHEREAS, William Raper and Archibald B. McKee, guardians of Abraham F. Snapp, John F. Snapp, and Eliza F. Snapp, minor heirs of John F. Snapp, deceased, invested the sum of three hundred dollars in the purchase of the dower interest of the widow of said decedent in two hundred and sixteen acres of donation No. 26, which the said heirs inherited from said decedent, which investment was duly confirmed by the Knox Probate Court at its June term, A. D., 1849; AND WHEREAS, Doubts have been suggested as to the legality thereof; WHEREFORE,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said orders of the Knox Probate Court, confirming the action of said guardians making said investment for their wards be, and the same is hereby declared to be, legal and valid.

This act to be in force from and after its passage.

CHAPTER CCXIX.

An act to vacate the town of Baltimore in the county of Warren.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Baltimore in the county of Warren and State of Indiana, and the north addition thereto, except Main street and Liberty street be, and the same is hereby, vacated.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXX.

An act to incorporate the Fort Wayne and Columbia Plank Road Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Rockhill, Joseph Taylor, Henry Stipes, Samuel Edsall, James H. Robinson, M. W. Hubbell, of the county of Allen, and Samuel Minor, Horace Cleveland, and Eli Pierce, of Whitley county, and their successors in office duly elected, as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the "Fort Wayne and Columbia Plank Road Company, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever, to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said company shall be forty thousand dollars, divided into shares of twenty dollars each, with power to increase the capital stock if necessary to accomplish the objects hereinafter contemplated.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president; and after such organization a majority of said board shall be a quorum to do business.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, and all other persons and officers necessary to carry into effect the provisions of this act. They shall keep a journal of their proceedings, in which shall be entered all laws [by-laws] and regulations, and orders for the payment of such allowances as may be made to their officers and all others in their employment, which journal and proceedings shall from time to time be signed by their president. They shall sit upon their own adjournments or on the call of the president. When the president is absent they may appoint a president *pro tempore*, and shall fill all vacancies that may occur in their body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time and at such places as they may choose, due notice of which shall be given, in each of which books the following entry shall be made: "We the undersigned promise to pay the sum of twenty dollars for each share of

stock set opposite our names, in labor, materials, land, money, or other property, in such manner and at such times and proportions as the president and directors of Fort Wayne and Columbia Plank Road Company may direct, the value of all subscriptions other than cash to be settled by the board of directors, and to be appraised at what the board shall consider their actual cash value at the time of payment. Witness our hands and seals this —— day of ——, A. D. 185–.

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of the United States on behalf of the same, the mayor and common council of any city, to subscribe for any amount of stock in said company. And the books for subscriptions of stock shall be kept open in such place or places within the State of Indiana or in any other state, and for such periods of time, as the corporation may direct. And for the purposes of raising money to complete the road contemplated by this charter, or any part thereof, the said corporation shall have power to borrow money, either by mortgage of the road or in any other manner that may be agreed upon between the corporation and the party or parties of whom the loan may be obtained.

Sec. 7. As soon as one hundred shares are subscribed, it shall be the duty of the corporation to give three weeks' notice in the nearest newspaper printed in the vicinity of said contemplated road, and in such notice to appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders and citizens of the State of Indiana, which election shall be held within three months after the last share in the one hundred shares shall be subscribed for, and shall be conducted by three judges, appointed by the stockholders present, and the person having a plurality of the votes given and counted in public shall be declared duly elected. No share shall give to the owner a right to vote at any election after the first election, unless the same shall be held one month previous to the election. In all elections one share shall entitle the holder to one vote only, and votes shall be given by persons holding the same or by one of any partners, or by the husband, father, mother, executor or administrator, trustee or guardian, or by the authorized agent of any corporation, state, United States, county, city, village, or town; or any person having a right to vote may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their body president; and directors thus elected shall continue in office until the next annual election, and until their successers are elected and organized.

Sec. 9. All elections after the first shall be held on the first Tuesday in November, annually, at such hour and place as the directors may direct, three weeks' notice of which shall be given by publication in a newspaper printed and published in the vicinity of the

contemplated road. The judges of all elections shall be three in number. They shall, after the first election, be appointed by the board of directors, and shall be stockholders, but not directors, at the time of the election. And it shall be the duty of said judges, after the result of said election shall be known, to furnish the directors elect with a certificate of their election, which certificate shall be evidence of their right to act as such directors. The number of directors shall be nine, a majority of which shall be a quorum to transact business: *Provided*, That if from any cause whatever, there shall be no election held on the day appointed, it shall be lawful to hold the election on any other day, to be designated by the directors.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk; stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or by the administrators, executors, trustees, or guardians, but the corporation shall have a lien upon such stock for all sums due or to become due from the stockholders to the corporation either for subscriptions on [of] stock, or any contract made prior to such transfer.

Sec. 11. The corporation shall have power to call such part of the stock subscribed as may seem to them necessary to carry on the work, to be paid by the stockholders in such materials, land, labor, or money, or other property as shall have been designated by the party subscribing for such stock, to be paid at such time and place as the board of directors may designate, by forty days' notice in one of the nearest newspapers to said route, or by giving written notice to the stockholders, in all such notices the amount demanded on each share and the time and place of payment shall be set forth; and it shall be the duty of the board of directors to give each person subscribing for stock in materials or labor, to furnish the same upon the road; and if any stockholder shall neglect or refuse to pay or furnish such requisition within ten days after the time mentioned in such notice for such payment, the corporation shall have power to collect the same by an action at law in any court of competent jurisdiction, the same to be collected without the benefits of appraisement laws. The corporation shall have the power through their president, and in his name, but for their use, to purchase the stock of any stockholder when offered in execution on a judgment obtained against him in favor of the corporation, and to sell the same, in their discretion, for the benefits of the corporation.

Sec. 12. The corporation shall require all officers in their employment to give bond, with security to their acceptance, with such penalty as they think proper, for the faithful performance of their respective duties.

Sec. 13. The corporation, by their agent, shall have power from time to time to mark and locate the route of said plank road from the city of Fort Wayne near Edsall's Mill, in Allen county, to Columbia, in Whitley county, said road to be located on the Leesburgh State road, in Allen county, with power to diverge from a direct line for the interest of the company, and public convenience.

Sec. 14. For the purpose of locating and constructing said road it shall be lawful for such company, by their agents or persons in their employ, to enter upon any lands to make surveys and estimates and to take from the land occupied by said road any stone, gravel, timber or other materials necessary to construct said road and the bridges thereon.

Sec. 15. If any person owning lands over and upon which such road shall be located shall refuse to relinquish the same for the use of said road, and no satisfactory contract can be made by such company with such owner therefor, it shall be lawful for such company to give notice to some justice of the peace of the proper county, and such justice shall thereupon summon the owner of such land, if a resident of the county, to appear before him on a day to be named therein, and within ten days thereafter, and if the parties cannot then agree, said justice shall issue a venire for summoning before him a jury of three disinterested persons of the county, to be selected by said justice, and said jury, after having taken an oath or affirmation faithfully and impartially to assess the damages, if any, shall view the lands upon which such damages are claimed and shall determine the same, duly considering the advantages of said road to said owner, and shall make report thereof to said justice, whereupon he shall enter judgment upon such report, from which judgment either party may appeal to the circuit court.

Sec. 16. If the owner be a minor, insane person, or shall reside out of the county where such land may be, such justice shall cause three notices to be put up within the township where such lands are situated, of the time and place of summoning such jury to make such appraisements; and if no person appears for such minor, insane person, or non-resident of the county, such justice shall appoint some disinterested person to act on behalf of such absentee and shall then proceed as in other cases, and in all cases costs shall be awarded in the discretion of the jury.

Sec. 17. In case the company shall require for the use of said road any stone, gravel, or other material from the land of any person adjoining on or near said road, and such company cannot contract for the same with the owner thereof, such company may proceed in like manner to have the value of such materials assessed, as is above provided for assessing the value of lands, and in every such case of lands and materials such company may take possession of and use the same immediately after having paid such justice for the use of the owner of such land or materials the sum, if any, which may have been assessed therefor: *Provided*, That such jury in assessing such damages shall not take into consideration the advantages of the road to the owners of such materials.

Sec. 18. If it shall be found convenient or advantageous to the construction and location of said road, the corporation shall have

the power and the right to lay the same along or upon any State or county road: *Provided*, That all State and county roads crossing said plank road shall be left open and free.

Sec. 19. That if said road after its completion, or any section thereof, shall be suffered to go to decay, or be impassable one year, unless the same is repairing, the charter shall be considered as forfeited.

Sec. 20. The corporation shall commence the construction of the same within two years and complete so much thereof as shall be for the general interest of all concerned and the means of the company will allow; and whenever five continuous miles of said road shall be completed agreeably to the provisions of this act the directors of such company may erect toll-gates at such points and at such distances from each other as they may deem proper, and exact toll from persons traveling on the road not exceeding the following rates: for every sled, sleigh, carrage, or vehicle drawn by one animal, one and one-half cent per mile; and for every animal in addition thereto, one-half cent per mile; for every horse and rider or led horse, one cent per mile; for every score of sheep or swine, two cents per mile; and for every score of neat cattle, mules, or asses, five cents per mile. Persons going to and from funerals shall be exempt from toll. A list of rates established from time to time shall be posted up at some conspicuous place at each gate.

Sec. 21. If any person or persons using said road shall, with intent to defraud said company or to avoid the payment of toll, pass through any private way, gate, or bars, or along any ground near to said plank road gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll; or if any person shall take another person off said road with intent to defraud such corporation, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to the corporation the sum of five dollars without any benefit of appraisement laws, to be recovered with costs of suit in an action of debt at the suit of the corporation before any justice of the peace in the county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing along said road from passing about their premises between the gates on said road upon ordinary business.

Sec. 22. The company shall set up a post or stone at the end of every mile, with the number of miles from the place where the road may commence, fairly cut or painted thereon.

Sec. 23. Any person wilfully or negligently (destroying) defacing or removing any guide boards, mile-post, or stone, or list of rates of toll erected on said road, or remove any plank, board, or other materials, which have been used in construction of said road, shall on conviction thereof before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty-dollars, to be recovered, with costs of suit, in an action on the case at the suit and for the use of the corporation.

Sec. 24. If any toll-gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction within twenty days after the occurrence.

Sec. 25. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing said road or any section thereof, with incidental expenses; also a fair account of the tolls received, and the books of the corporation shall always be kept open for the inspection of an authorized agent of the State or stockholder of said company; and the company shall have the right to sell the stock to the State upon such terms as they may agree.

Sec. 26. This charter shall be limited to fifty years' duration, and be in force from and after its passage, and be liberally construed as a public act for all beneficial purposes.

Sec. 27. Every person residing on premises through or touching which said road passes, shall have the privilege at all times of passing and of going along and over said road for the distance of one and a half miles each way from his place of residence without paying any toll or charge for himself or for any of his cattle, teams, or property.

Sec. 28. The directors that may contract any debts over and above the amount of stock secured, shall be liable in their individual capacity for the payment of all dues to laborers for work done on said road, which shall not have been paid, when due, by the company.

Sec. 29. The Legislature reserves the right to repeal this charter; but if repealed, the assets, after the payment of all liabilities, shall be divided among the several stockholders in proportion to the amount of stock paid in by each.

Sec. 30. The stock of the corporation shall be considered personal property, and may be sold on execution and transferred upon the books of the corporation by the officer selling the same, but shall in all cases be subject to the lien named in section ten.

Sec. 31. This act shall be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk of the Allen circuit court.

CHAPTER CCXXI.

An act for the relief of the estate of William Harris, deceased, late of the county of Martin.

[APPROVED JANUARY 21, 1850.]

WHEREAS, William Harris, deceased, late of the county of Martin, who was the original proprietor of the town of Clinton, in the county of Vermillion, in this State, died seized in fee simple of a large number of lots in said town, and amongst others of the several lots composing block No. thirty-three (33) of said town: AND WHEREAS, the administrator of the estate of said deceased, owing to the fact that some confusion had arisen as to the boundaries and form of many of the lots of said town, and that the original plat of said town had been for the time being lost or mislaid, caused a new survey of said town to be made, and a new plat thereof to be drawn, for his convenience in selling out the unsold lots of said town as such administrator, and for the convenience of those persons who had previously become purchasers of lots therein: AND WHEREAS, By some mistake in making said new survey, the several lots composing said block No. thirty-three (33), and the form and boundaries thereof, were so changed that they extended in length from east to west in said block, instead of from north to south, as in the original survey and plat of said town: AND WHEREAS, The said administrator, under the direction of the probate court of Martin county, proceeded to make sale of the greater portion of the lots composing said block No. thirty-three (33), and to execute title bonds or certificates of purchase or sale for the same, describing said lots according to said new survey: AND WHEREAS, Some difficulty is likely to arise as to the form and boundaries of said lots, and as to their description and number, in making deeds of conveyance for the same in pursuance of the terms of said sale or sales, and possession of said lots has been taken in good faith, and some improvements have been made thereon: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said new survey of the town of Clinton aforesaid, as made by the said administrator, is hereby legalized and established as the true survey of said town, so far as the same relates to said block no thirty-three (33), and that hereafter the several lots composing said block shall be numbered, bounded and described according to said new survey, and that all sales made of any of said lots as above recited, and in accordance with said new survey, are hereby confirmed and declared to be valid and effectual for the purposes for which they were intended, and said administrator is hereby authorized, under the direction of the proper probate court, to execute and deliver to the proper person, or persons, deeds of

conveyance for said lots, or any of them so sold as aforesaid, describing said lots therein according to their form, boundaries, and numbers in said new survey, which deeds of conveyance shall authorize the purchaser or purchasers thereof to hold and convey the same accordingly.

Sec. 2. It shall be the duty of the recorder of the county of Vermillion, upon being furnished by said administrator, or some person on his behalf, with a plan of said new survey, so far as the same relates to said block No. thirty-three (33), to change the record of said block on the original plat of said town, so as to correspond with the new survey aforesaid, and said recorder, for the purpose of satisfying himself as to whether the plan of said new survey furnished him is genuine, or in accordance with the plat of said new survey, shall have authority to swear witnesses and hear proofs concerning the same, and may take such proofs in writing and file the same in his office, and said recorder, for the services aforesaid, shall be allowed the same fees as are allowed him and other county officers in similar cases.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER CCXXII.

An act to amend an act entitled "An act to incorporate the Franklin and White River Turnpike Company," approved January 16, 1849.

[APPROVED, JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in extending their road north or west from the town of Mooresville, which is made a point on said road by the act to which this is amendatory, it shall be lawful for the Franklin and White River Turnpike Company to lay out and construct their road upon any state or county road contiguous to its line of location, or upon any part of such road: *Provided*, The company shall first obtain the consent of the board of commissioners in the county where such road may be situated.

Sec. 2. And the said turnpike company, in extending their road to the national road as above provided, after having completed the road to Mooresville, shall be permitted at their option to make such point and adopt such route as they may select, and may at their discretion give their road such a direction as will enable them to terminate it in connection with other roads, so as to form a continuous line to Covington, in Fountain county, or Rockville, in Parke

county, and they are hereby authorized and permitted to receive subscriptions to their capital stock from any turnpike, plank road, or railroad company, payable in either cash, labor, or materials, as the parties may agree, and any and every such turnpike, plank, or railroad company in this State are hereby authorized and empowered to subscribe for stock in, and hold, sell, and transfer stock in said Franklin and White River Turnpike Company, and in the management of said turnpike, and in all that relates to said subscriptions of stock, shall be entitled to all the privileges and rights that natural persons are entitled to possess and perform: *Provided however*, That any subscription of stock by the Madison and Indianapolis Railroad Company shall not effect, lessen, or impair the State's portion of stock in said railroad: *And provided further*, That said stock shall be so subscribed and paid in before the first day of January, 1853, and that the amount paid for said stock so subscribed shall be paid out of the dividend of individual stockholders.

Sec. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CCXXIII.

An act to authorize Jeremiah T. Draper to file his bill for divorce in Hancock Circuit Court.

[APPROVED JANUARY 21, 1850.]

WHEREAS, Said Jeremiah Draper has resided in said State of Indiana for several years, but has been absent for a few months, so as to have lost his residence, and cannot file his bill for divorce under one year, for remedy thereof,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jeremiah T. Draper may file his bill for a divorce from his wife, Martha Draper, in the Hancock circuit court, and said court may and shall have and maintain jurisdiction thereof as effectually as if said Draper had resided in the State of Indiana one year immediately preceding the filing of said bill, and it shall be sufficient notice of the pendency of said bill to said defendant, shall cause notice of the filing of said bill and the pendency thereof by three publications for three successive weeks in the Indiana State Sentinel, the last of which shall be ten days at least before the first day of said circuit court.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXXIV.

An act to enable the qualified voters of District No. eight, in township No. thirty-three north, of range No. seven east, in Kosciusko county, to levy a tax in said District sufficient to build a School-house.

[APPROVED, JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the qualified voters of school district No. eight, (8,) in township No. thirty-three (33) north, of range No. seven (7) east, in said county, to hold a meeting in said district at sometime on or before the first day of June next and determine by vote whether a tax shall be levied upon the property of said district, for the purpose of building a school-house therein.

Sec. 2. At least ten days' notice of the time and place of meeting for that purpose shall be given, by at least three written advertisements posted up in said district.

Sec. 3. If a majority of all the qualified voters of said district shall at such meeting decide in favor of levying a tax for the purpose aforesaid, they shall also have power, at the same time and place, to determine the amount of such tax, which shall not exceed the sum of two cents per acre upon each acre of land, and the sum of fifty cents upon each one hundred dollars valuation of other taxables in said district; and the amount which shall then and there be agreed upon, shall constitute a valid charge and lien upon the property of said district.

Sec. 4. The district trustee shall preside at such meeting, or in his absence the qualified voters may appoint a clerk thereof who shall make return of the proceedings of such meeting to the county auditor, in accordance with the provisions of the 15th and 16th sections of "an act to increase and extend the benefit of common schools," approved January 17th, 1849, and the county auditor shall likewise be governed by the provisions of those sections.

Sec. 5. Should the amount of tax so levied prove insufficient to complete and finish said school-house the said qualified voters shall in like manner and under like restrictions levy another tax upon the property of said district, to be collected the next succeeding year, at a meeting to be held at some time prior to the first day of June, 1851.

Sec. 6. That all the provisions of this act be and the same are hereby extended to school district No. four, (4,) in township thirty-one (31) north, of range six (6) east, in said county of Kosciusko.

Sec. 7. This act to take effect and be in force from and after its passage.

CHAPTER CCXXV.

An act to vacate certain blocks, streets, and alleys in Michigan City, Laporte county, Indiana

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following blocks and parts of blocks situate in Michigan City, Laporte county, Indiana, viz: Nos. 8, 9, 10, 11, 14, 15, 16, 17, 27, 28, 29, 30, 33, 34, 35, 36, 45, 46, 47, 48, 51, 52, 53, 54, 61, 62, 63, 64, 67, 68, 69, 70, 72, 73, 74, and fractional blocks west of Perry street, in section No. 29, said blocks being in the Michigan City Land company survey; also the west half of blocks Nos. 16, 25, 26, 35, in Elston's survey, being the parts of said blocks west of the alley, be and are hereby vacated.

Sec. 2. That the following streets lying between said blocks, viz: Buffalo, Manhattan, Elsten, Ohio, Tennessee, Kentucky, Huron, Columbia, Miami, Perry, Market, and Seventh streets, and the alleys in said blocks be and are hereby vacated. Said act to take effect from after its passage.

CHAPTER CCXXVI.

An act to authorize Charity Ann Wise to file a bill for a divorce.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Charity Ann Wise, now of the county of Marion, in the State of Indiana, be, and she is hereby authorized, at any time hereafter, to file her bill for a divorce against her husband, William Wise, in the Marion Circuit Court, or any other court of said county, having competent jurisdiction, and that such court shall entertain the same without it being alleged therein, or proven on the hearing that she has resided in said county or state any specified term of time.

Sec. 2. That the court in which said bill may be filed, shall take notice of the provisions of this act as if the same were a public act.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXXVII.

An act to incorporate the German Theological Seminary of the German Evangelical Lutheran Synod of Missouri, Ohio, and other States.

[APPROVED JANUARY 21, 1850.]

WHEREAS, The object of this association is to educate young men for the ministry of the German Evangelical Lutheran denomination, among the Germans, who have emigrated or shall emigrate, to the United States, and eventually to instruct young men for Missionaries among the Indian tribes; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That C. F. W. Walther, W. Scheler, E W. G. Keyl, and Charles Peissenbrink, and their successors, are hereby constituted a body politic and corporate, by the name and style of "The German Theological Seminary of the German Evangelical Lutheran Synod of Missouri, Ohio, and other States," and by said name shall have power to contract and to be contracted with, to sue and be sued, to plead and to be impleaded, to answer and be answered unto, in any court of law or equity, or before any justice of the peace, to use a common seal, and to alter or renew the same at pleasure, to make and adopt such rules and by-laws as may be deemed proper, so that the same are not inconsistent with the constitution of the United States or the State of Indiana, to exercise and perform all the functions and privileges necessary for the establishment, government, and advancement of a seminary in the county of Allen, to educate young men for the ministry of the German Evangelical Lutheran denomination, among the Germans, who have emigrated, or shall emigrate, to the United States, and ultimately to instruct young men in the said ministry of said denomination, for missionaries among the Indian tribes, and to grant diplomas and confer degrees in divinity.

Sec. 2. That said synod may, in its said corporate capacity, purchase, or receive by gift, grant, or bequest, such books, maps, charts, philosophical and scientific apparatus, and such other personal property as may be necessary and proper, and hold, use, and dispose of the same at pleasure, for the benefit of said seminary, and may also purchase, or receive by gift, grant, or bequest, or devise, any real estate, and hold and enjoy, sell, convey, rent, or lease, the same at pleasure: *Provided*, That said synod shall not at any one time hold real estate in this State over the value of one hundred thousand dollars.

Sec. 3. That the said named persons being the present board of directors to said corporate body, shall continue in said trust until their successors are appointed, and that for the purpose of perpetuating the franchises, immunities, and privileges hereby granted to said body politic, the said synod shall have power to appoint the

board of directors of said body corporate, or to fill any vacancies that may occur in the same, and to create and establish such professorships as may seem desirable, and to abolish, change, or renew the same: *Provided*, Said synod exercises said powers in conformity with the constitution, rules, and by-laws of said body corporate.

Sec. 4. That said corporate body shall keep a record of its proceedings, which shall at all times [be kept] open for the inspection of all persons concerned.

Sec. 5. This act is hereby declared a pulic act, and shall be construed liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges hereby granted, shall cause a forfeiture of the same, nor shall any purchase, gift, grant, conveyance, or devise, to or for the use of said body corporate, be defeated or prejudiced on account of any misnomer or informality whatever: *Provided*, The intention of the parties be shown beyond a reasonable doubt.

Sec. 6. This act to take effect and be in force from and after its passage.

CHAPTER CCXXVIII.

A bill [An act] to incorporate the Harrison Drawbridge Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders pursuant to the provisions of this act, be, and they are hereby constituted a body politic and corporate, by the name of the "Harrison Drawbridge Company," by such name shall be capable of holding real estate sufficient for the purposes of this act, and to sue and be sued, plead and be impleaded, answer and be answered unto in law and equity, in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules, and regulations not repugnant to the constitution and laws of this State or the United States, as shall from time to time be found necessary to promote the interest and good government of said corporation.

Sec. 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each.

Sec. 3. That John Wise, John Ross, Jos. G. Bowman, Henry D. Wheeler, James Gibson, and Thomas C. Bailey, be, and they are hereby appointed commissioners, or a majority of them, or their

survivors, to open books for the subscriptions to the capital stock of said company, at such times and places as may suit their convenience, and each of the commissioners may receive subscriptions either jointly or separately.

Sec. 4. As soon as two hundred shares shall have been subsubscribed, the said commissioners, or a majority of them, or of their survivors, shall, by publication in one or more newspapers published at Vincennes and Lawrenceville, cause notice to be given of the time and place of the meeting of the stockholders to elect directors, and at the time and place so appointed, the stockholders shall choose from seven to nine directors, from the stockholders of said company, who shall serve one year, and until their successors are chosen and qualified, a majority of whom shall constitute a quorum for the transaction of business; and the annual election of directors shall be held thereafter at such time and place as the stockholders at their meeting may direct, and the directors thus chosen shall, as soon thereafter as possible, choose one of their own body as president, and also a secretary, and such other officers as may be deemed necessary; *Provided*, That should the stockholders fail at any anual election to elect directors, the corporation on that account shall not be dissolved, but the president and directors for the time being shall continue to execute the duties of their office until their successors shall be chosen by the stockholders; and the directors shall, at all times, have full power to fill vacancies in the board, and to remove and appoint all its officers at pleasure.

Sec. 5. The directors may demand from the stockholders all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not, however, exceeding ten per centum on the amount of said subscription at any one time, nor oftener than at intervals of four weeks after the first payment shall become due, which times shall be determined by the directors, and two weeks' notice given thereof in some newspaper printed at Vincennes, stating the amount demanded, and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition within ten days after it shall become due, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with one per cent. interest per month thereon from such delinquent; and if the amount cannot be made on execution, or if such delinquent is beyond the reach of process, the directors may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon.

Sec. 6. The said corporation may erect a bridge across the Wabash river at any point opposite the borough of Vincennes, or within one half mile thereof, which point shall be determined by a vote of the stockholders, (each share being entitled to one vote) at a special meeting to be called for that purpose by the directors, upon three weeks' notice in some newspaper published at Vincennes.

Sec. 7. When said bridge shall be completed, the said corporation may erect at either end a gate, and demand and receive the following rates of tolls: For two horses or oxen and loaded wagon, twenty cents; for the same not loaded, ten cents; for a four horse or ox team with wagon, and loaded, twenty-five cents; for the same not loaded, fifteen cents; and for every additional horse or ox attached thereto, two and one-half cents; for a single horse and wagon, buggy, or gig, fifteen cents; for a horse and rider, five cents; for a person on foot, three cents; for horses or cattle led or driven, per head three cents; for hogs, sheep, or calves, per head two cents; and in similar proportions to the foregoing rates for any other animals or carriages.

Sec. 8. Said bridge shall be elevated to a sufficient heighth above high water mark to admit the [free] passage of loaded flat boats under the same.

Sec. 9. The said company shall cause to be stationed during such times as the Wabash river may be navigable for steamboats, a qualified person or persons, whose duty it shall be to raise the "draw" of said bridge when steam boats are approaching by night or by day; and it shall be the further duty of said company to cause a light to be placed on each end of said draw during the night when the river is so navigable, and should any avoidable or unnecessary delay occur by neglect of these provisions in permitting steamboats to pass up and down said river, the said corporation shall be subject to a fine of not less than ten, nor more than three hundred, dollars, for the benefit of the owner or owners of the steamboat so detained, to be recovered by said owner or owners in an action of debt before any court of competent jurisdiction.

Sec. 10. It shall be the duty of said company to construct a good and sufficient draw in said bridge, of a width not less than sixty feet, and in such place as boats at low water may conveniently pass the same.

Sec. 11. It shall be the duty of the directors to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at their annual meeting and at such other times as may be required.

Sec. 12. Annual or semi-annual dividends of so much of the profits as the directors may deem expedient shall be declared; but no dividend shall be made of more than the nett profits after deducting all expenses.

Sec. 13. The president and directors may sit on their own adjournment, or on the call of the president or any two directors; and when the president is absent the directors may elect a president *pro tem.*

Sec. 14. In all elections for directors each stockholder shall be entitled to vote in person or by proxy, under such regulations as may be prescribed by the stockholders, and on all occasions every share of stock shall be entitled to one vote.

Sec. 15. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held. They shall be signed by the president and countersigned by the secretary. The stock shall be transferable on the books of the corporation only personally or by attorney; but such stock shall at all times be held by the corporation for any debts due from the holder to the corporation.

Sec. 16. If any person shall wilfully injure said bridge, he, she, or they so offending shall forfeit and pay to the corporation treble the amount it may cost to repair the same, with costs of suit, to be recovered in an action of debt before any court of competent jurisdiction.

Sec. 17. If any person shall forcibly pass the gate without having paid the legal rate of toll, he shall forfeit and pay to the corporation six times the amount of legal toll, to be recovered with costs of suit in an action of debt before any court of competent jurisdiction.

Sec. 18. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate tendering the legal toll, or shall demand more than the legal rate of toll, he shall for every such offence forfeit the sum of five dollars for the benefit of the person so delayed or defrauded, to be recovered before any court of competent jurisdiction, with costs of suit; and in case said toll gatherer shall have no property subject to execution, the company shall be liable for the said penalty and costs, to be recovered in like manner.

Sec. 19. The stockholders shall be individually liable for the payment of all debts contracted by the company, to the amount of their stock subscribed; and the Legislature hereby reserves the right to alter, amend, or repeal this charter whenever the General Assembly shall deem the public good requires it, notice having been given to said company thirty days prior to the introduction of a bill for that purpose.

This act to take effect and be in force as a public act from and after its passage.

CHAPTER CCXXIX.

An Act to extend an act, entitled "An act to incorporate the Town of Peru," approved February 14, 1848, to the Town of Vernon.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Simeon Branham, Uriah Wagner, Richard Stott, Manlove Butler, Lucas Bingham, Israel Runyan, and Achilles Vaw-

ter be, and they are hereby appointed councilmen of the corporation of the town of Vernon, in the county of Jennings, and State of Indiana, to serve as such until the first Monday of March, 1850, and until their successors are elected and qualified as hereinafter directed.

Sec. 2. The said act as above mentioned for the incorporation of the town of Peru be, and the same is hereby extended to the said town of Vernon, so far as the same is applicable to the said town of Vernon.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXXX.

An Act to legalize the location of a State road in Franklin and Ripley counties.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the location of a State road from the western boundary of the lands of Eli Stringer, in Fraklin county, to the town of Napoleon, in Ripley county, as located under an act, entitled "An act to locate a State road in the counties of Franklin and Ripley," approved February 14, 1848, be, and the same is hereby legalized so far as related in this act, and that the commissioners of the counties of Franklin and Ripley are hereby authorized to pay all expenses incurred in the location of said road.

Sec. 2. This act to take effect from and after its passage.

CHAPTER CCXXXI.

An act to amend the charter of the Evansville and Illinois Railroad Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That under and by virtue of the provisions of the act, entitled "An act to incorporate a company to construct a railroad

from Evansville, on the Ohio river, to connect with the Ohio and Mississippi Railroad at or near Olney, in the State of Illinois, *via* Princeton, Gibson county, Indiana, and Mount Carmel, Illinois," approved January 2, 1849, so far as the same do not contravene the provisions of this act; the company or corporation created by the said act shall have full power and authority to survey, locate, extend, construct, continue, maintain, and use the railroad mentioned in said act, together with all proper and convenient depots, turnouts, sidelings, tanks, stations, and other appendages from Princeton, in Gibson county, to Vincennes, in Knox county. Said company shall locate and construct said road by the way of the town of Patoka, in Gibson county: *Provided*, That if it is ascertained by a survey that it will cost more to construct said road by the way of Patoka than any other route, an amount of solvent stock shall be subscribed in addition to the amount already subscribed, sufficient to pay the additional cost of construction by the way of the town of Patoka aforesaid.

Sec. 2. The capital stock of said company may be increased from time to time at the discretion of the directors of said company in the manner prescribed in the act mentioned in the first section of this act (of which this act is an amendment) to any amount that may be necessary to the proper construction, maintenance, and use of said road and its appendages.

Sec. 3. Where stock has been or may be taken in the name or on behalf of any city, town, or county, every person who has paid, or may hereafter pay, taxes assessed and collected for the purpose of paying for such stock, or interest upon bonds issued or money borrowed for the purpose of paying for such stock, may become a stockholder in said company in the manner hereinafter provided.

Sec. 4. All taxes assessed for any of the purposes specified in the last preceding section of this act, shall be assessed and collected and the payment thereof in money enforced at the same time in the same manner, and subject to the same rules as the annual revenue assessed and collected for town, city, or county purposes, but shall be kept separate therefrom upon the tax roll or duplicate, and collected and kept and disbursed separately; and upon the payment of any such tax the officer receiving the same shall give the person paying the same a separate receipt therefor, specifying therein the amount paid, the name of the person by or for whose use it was paid, and the purpose for which the same was assessed and collected.

Sec. 5. All recepts given for taxes, as provided for by this act, shall be assignable by indorsement or delivery in like manner and with like effect as bills of exchange and promissory notes are assignable by law.

Sec. 6. Any person or persons holding receipts given for taxes, as provided by this act, amounting to twelve and one-half dollars or more, may at any time present the same to the proper officer and demand and receive in lieu thereof a certificate or certificates of

stock for the amount of such receipts, and from and after the issuing of such certificates of stock dividends shall be declared and paid thereon in like manner as upon other stock in said company: *Provided*, That all such certificates, if not amounting to one or more shares of fifty dollars each, shall be for twelve and one-half, twenty-five, or thirty-seven and one-half dollars each, and not for any sum intermediate between any two of the three last named sums.

Sec. 7. All stock acquired by paying taxes, as provided in this act, shall be upon the same footing, and subject to the same rules, liens, and liabilities as other stock in said company: *Provided*, That the holders thereof shall be entitled to but one vote for each share of fifty dollars, and a certificate for less than fifty dollars shall not entitle the holder thereof to vote, nor shall any person be a director, unless he is the owner of at least two shares of fifty dollars each of the stock of said company.

Sec. 8. In all cases where a city or town has taken, or may take, or suscribe, or be entitled to, stock in said corporation, in pursuance of the act of which this act is an amendment, the corporate authorities of such town or city may procure the money to pay for the same, by taxation, or by borrowing money, or by issuing bonds, and pledging, hypothecating, or selling such bonds, upon such terms as such corporate authorities may think best, and such bonds may be made to bear any rate of interest, not exceeding seven per centum per annum.

Sec. 9. At each election for directors, to be hereafter held, there shall be elected not less than nine nor more than thirteen directors of said company, and the number to be elected shall be determined by the by-laws of the company, and if deemed advisable by the directors of said company, they may increase the number of directors to any number not exceeding thirteen, by appointment, to serve as such until the next annual election, and the election of directors held on the first Monday in January, 1850, is hereby declared to be legal and valid to all intents and purposes.

Sec. 10. All the rights, privileges, powers, and franchises granted to said company by the act of which this act is an amendment shall be deemed and taken, and are hereby declared to apply, belong, and appertain to said company, in the construction, continuance, and use, and in the surveying and locating of that part of said road to be constructed between Princeton and Vincennes, with all turnouts, sidelings, depots, tanks, and other appendages thereof, in like manner as if Vincennes had been named as the northern terminus of said road, in the act of which this is an amendment.

Sec. 11. The corporate name and style of said corporation or company, created and organized by and under the provisions of the act of which this is an amendment, is hereby changed, and henceforth the said corporation or company shall be called and known as "Evansville and Vincennes Railroad Company," and by that name and style the said company or corporation shall hereafter contract and be contracted with, sue and be sued, plead and be impleaded,

and do all acts and business, of all kinds whatever, contemplated by this act, and the act of which this is an amendment, in like manner as if the name of said company had not been changed, and in and by that name the said corporation shall be held liable for all contracts and engagements, and all acts made or done before the taking effect of this act, and shall in like manner, in and by that name, enforce the performance of all contracts and engagements entered into with it, and the payment of all subscriptions of stock made at any time before this act shall take effect in the books of said corporation, and all property, rights, privileges, and interests acquired or possessed by said corporation, by or in the name of "the Evansville and Illinois Railroad Company," shall belong to and be possessed by, and belong to said corporation, in and by the name and style of the "Evansville and Vincennes Railroad Company," in the same manner and to the same extent, to all intents and purposes, as if the name of said corporation had not been changed.

Sec. 12. Said corporation may take and receive in payment of stock, real estate, or any freehold interest therein, at such prices as may be agreed on by the directors and the owner or owners of such real estate, and all real estate so taken by or coveyed to said corporation shall be sold and disposed of within the time and in the manner prescribed by the act to which this is an amendment.

Sec. 13. Bonds of the said company issued and sold, or pledged for the purpose of paying or securing any debt of said company, or for the purpose of borrowing money, shall not be for a less sum than fifty dollars.

Sec. 14. The ground to be taken by said corporation for the track of said railroad shall not exceed eighty feet in width, except at such points along the road, or at the termini thereof, as a greater width may be found necessary for the construction of depots, turnouts, tanks, cisterns, and other appendages necessary for the convenient prosecution of the proper business of said corporation.

Sec. 15. So much of the act of which this is an amendment as authorizes or requires the construction of a railroad from Princeton to the Illinois state line, at or near Mt. Carmel, is hereby repealed, and the railroad hereby contemplated shall not be extended to said point, or connected therewith by a branch.

Sec. 16. No bond issued by any city or town, under the provisions of this act, or the act of which this is an amendment, shall be for a less amount than one hundred dollars.

Sec. 17. In case certificates of stock are issued for interest or borrowed money paid by means of taxation, as above provided, it shall be the duty of the directors of said company to decrease the stock of the town, city, or county, as the case may be, to an amount equal to the certificates so issued, or at their option allow interest upon the stock of individuals to such an amount as will equalize the stock of towns, cities, counties, and individuals, and the directors of said company are hereby fully authorized and empowered, in all

cases, to equalize the stock of the stockholders, and to issue certificates of stock when necessary for that purpose.

Sec. 18. In constructing said road across any stream of water said corporation may erect in and across such stream all necessary piers, abutments, bridges, and other structures: *Provided*, That such piers, abutments, or other structures, shall not be so constructed as to materially obstruct the usefulness of any navigable stream for the purpose of navigation.

Sec. 19. This act shall be deemed a public act, and as such shall be taken notice of by all courts and persons, and it shall be in force from and after its passage.

CHAPTER CCXXXII.

An act to incorporate the Rising Sun and Versailles Turnpike Company.

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Shadrach Hathaway, Ethan A. Brown, Hazelett E. Dodd, Henry Brown, Abel C. Pepper, James Stirrat, Alexander C. Downey, John B. Craft, Andrew Douglass, James T. Smith, William C. Kittle, and Moses Turner, and their associates and succesors, be, and they are hereby created a body politic and corporate, under the name of the "Rising Sun and Versailles Turnpike company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts having jurisdiction, and do and perform all other acts and things necessary and proper to carry into full effect the business of said association.

Sec. 2. The capital stock of said company shall consist of such sum as may be necessary for the consummation of the objects of its incorporation, and said stock shall be deemed personal property, and exempted from the payment of a road tax.

Sec. 3. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, company, township, or county, to be paid in cash, labor, or any kind of property, real or personal, that may be agreed upon, and in such way and manner, and at such times and places, as shall be prescribed by the company.

Sec. 4. Any five of the persons named in the first section of this act shall constitute a quorum for doing business, and as soon as may be by them determined, shall, after giving twenty days' public notice thereof, proceed to open books for subscription to the

capital stock of said company, and to do and perform all other things necessary for the full organization of said company.

Sec. 5. In case a quorum shall fail to attend at the time and place agreed upon, those attending may either adjourn to another day, or they may consider the station of the absentees, or any of them, as vacated, and appoint some other proper person or persons to fill the same.

Sec. 6. As soon as may be deemed expedient after one thousand dollars of the capital stock shall have been subscribed, said commissioners shall, by giving twenty days' public notice thereof, appoint some suitable time and place for holding an election for seven directors, each of whom shall be a stockholder to the amount of at least two shares; said commissioners shall, in all things, manage such election, and give certificates to those elected, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That no director shall be a contractor on said road while he holds such office.

Sec. 7. At such election, and at each subsequent election, each stockholder shall have one vote for each share, for the first ten shares, one vote for every two shares from ten up to twenty, and one vote for every four shares above twenty, and may vote in person or by proxy given in writing.

Sec. 8. The time, place, and manner of holding all subsequent elections of directors shall be regulated by the by-laws of the company, and shall be annual as nearly as may be.

Sec. 9. As soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company. Said directors shall choose a president, secretary, and treasurer from their own body, and this mode of organization shall be continued and observed by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business, and may supply by appointment any vacancy in their own body.

Sec. 10. Said company may adopt such rules and regulations, and make such by-laws, as in their judgment the business and affairs of the company may require, and as are expedient to enable them to perform the duties and carry out the powers vested by this charter.

Sec. 11. They shall have power to appoint all needful officers, agents, and operatives, and to require them, or any of them, to give such bonds and security as may [be] deemed necessary.

Sec. 12. To enforce the payment of all stock subscriptions at such times and places and in such proportions as may be directed, which payment may be enforced by forfeiture of the stock to the company, together with any payments made thereon, or by suit.

Sec. 13. To issue certificates of stock, and to regulate the mode of transferring the same.

Sec. 14. To acquire, lease, sell, and dispose of such real estate as may be expedient for the interests of the company.

Sec. 15. To enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners for the reasonable value thereof.

Sec. 16. To erect, continue, and keep toll gates, and to establish, charge, and collect tolls of all persons using said road.

Sec. 17. To make and declare dividends of the profits to the holders of the stock, and to do all other things proper and necessary to be done to carry out the intent and meaning of this act.

Sec. 18. Said company shall have power to view, locate, and construct a turnpike road from Rising Sun, in Ohio county, by way of Milton, in the direction of Versailles, in Ripley county, and in constructing such road may follow such plans and use such materials as they may deem most expedient. They may, if deemed expedient, make any or all of said road of plank, and shall have the right to lay the same along or upon any State or county road; said company shall also have power to view, locate, and construct one or more branches to said road, in such direction and to such point or points as may be deemed by the company most advisable.

Sec. 19. Any person through whose land said road may run, and any person from whose land materials may have been taken for the construction thereof, conceiving himself damaged thereby to a greater extent than he may be benefitted by said road, may have the amount of his damages assessed before any justice [of the peace] in the township in which the land lies, if the amount claimed does not exceed one hundred dollars, and the cause may be tried by the justice alone, or either party may demand a jury. If the sum claimed exceeds one hundred dollars, the cause shall be tried in the circuit court of the county in which such cause of action accrued; the claimant in either case being bound to file a succinct statement of his claim, and being entitled to judgment, if he succeed, and liable for costs if he fails in his action.

Sec. 20. In estimating the damages to which the claimant in any such case may be entitled, the court or jury shall take into consideration the benefits to such person from the construction of such road.

Sec. 21. The following shall be the rates of toll for each and every five miles of said road, and in the same proportion for a greater or less distance, to-wit: For every four wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, not exceeding fifteen cents; for every other horse or other animal in addition, five cents; for every cart, chaise, or other two wheeled carriage drawn by one horse, ten cents; for every horse or other animal in addition, five cents; for every sled or sleigh, drawn by one horse or other animal, five cents; for every other horse or animal in addition, five cents; for every coach, chariot, or other four wheeled pleasure carriage drawn by one horse or other animal, fifteen cents; for every horse or other animal in addition, five cents; for every horse and rider, five cents; for every horse, mule,

or ass, six months old and upwards, lead or driven, not exceeding three cents; for every head of neat cattle, six months old and upwards, not exceeding two cents and each hog or sheep, one cent.

Sec 22. If any person or persons using any part of said road shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road, or shall use any fraudulent means to lessen the payment of such tolls, each and every person concerned in any such fraudulent practice, shall, for every such offence, forfeit and pay to said company the sum of five dollars, to be recovered by an action of debt before any justice of the peace of the proper county: *Provided*, That nothing herein contained shall be so construed as to prevent persons residing on or near said road from passing thereon, about their premises, between the gates for a common and every day business.

Sec. 23. The board of directors of said company, or any agent of them, by them legally authorized, shall have power to negotiate any loan that may be by said company deemed expedient for carrying out any or all of the objects contemplated by this act; and for the payment of such loans, said company may bind themselves by their bonds, which, when signed by the president and attested by the secretary, and duly ordered to be issued, shall be a valid lien on all the stock and effects of said company, in the order of their issue, and the effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal.

Sec. 24. When said road is located, and the directors decide to commence the work on said road, they shall commence at the east end thereof and proceed westwardly.

Sec. 25. This act is hereby declared to be a public act, and to be in force from and after its passage, and the legislature hereby reserves the right to alter, amend, or repeal the same on the violation by the company of any of its provisions.

CHAPTER CCXXXIII.

An Act to incorpotate the Danville, North Salem, and Crawfordsville Plank Road Company.

[APPROVED, JANUARY 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Simon T. Hadly, Silas Bryant, George A. Givens, Smith Russell, and John Spear, of Hendricks county, Indiana, and John James, Taylor W. Webster, Abner Vernard, James W. Lynn,

and John Burt, of Montgomery county, Indiana, and such other persons as they shall associate with them, be, and their successors are hereby constituted a body politic and corporate, to have perpetual existence and succession, and be known and styled as the Danville, North Salem, and Crawfordsville Plank Road Company.

Sec. 2. The capital stock of said company shall be forty thousand dollars, to be divided into shares of twenty-five dollars each, and said company is hereby invested with power to increase said capital stock to any sum not exceeding one hundred thousand dollars.

Sec. 3. The persons in the first section named, or a majority of them, shall meet at such time and place prior to the first Monday of July next, and organize said company by electing out of said number a president, secretary, and treasurer, and after such organization, shall immediately proceed to open books of subscription to the capital stock of said company, at Danville, North Salem, and Crawfordsville, and at such other places as they may deem expedient, to receive subscription to the stock of said company, and said books shall be opened at such times and under such regulations as may be directed by the president aforesaid.

Sec. 4. The books of subscription to said stock shall contain the following entry and caption: "The Danville, North Salem, and Crawfordsville Plank Road Company. We, the undersigned, promise to pay to the Danville, North Salem, and Crawfordsville Plank Road Company twenty-five dollars for each share of stock set opposite our names, at such times and in such sums as said company may direct."

Sec. 5. So soon as eight thousand dollars capital stock of said company shall be subscribed, the said president of said company shall call a meeting of the stockholders therein, by a publication in some weekly newspaper in Danville and Crawfordsville, at least twenty days prior to said meeting, giving notice of the time and place of said meeting; and the said stockholders, or such of them as may meet at the time and place thus appointed, shall then and annually thereafter proceed and elect five of their number, (not more than three of whom shall reside in either one of the counties of Hendricks or Montgomery,) as directors, who, with the president, shall hold their offices until the first Monday of March next succeeding, and until their successors are chosen, and any vacancy which may occur in any of said offices, by death, resignation, or otherwise, may be supplied at any meeting of the stockholders. The annual meeting shall be held on the first Monday of March.

Sec. 6. Certificates of stock shall be given to stockholders, signed by the president and secretary, and the stock shall be transferred on the books of the company, in such manner as the directors may by by-laws prescribe, but the company shall at all times hold a lien on all stock for any dues from the holders thereof to said company, or for sums that may thereafter become due on contracts made prior to said transfer.

Sec. 7. Said company and its directors shall keep a journal of their proceedings at any regular or special meeting, and such proceedings, drawn up and signed by the president and secretary, shall be *prima facie* evidence of the facts therein stated in all courts of justice and other places.

Sec. 8. The capital stock of said company shall be payable in such sums and at such times as the directors at any stated meeting may require, and said company may prescribe such penalties and forfeitures for the non-payment of any assessment ordered to be paid on said stock as they may deem proper. Notice of all assessments shall be given by publication in some weekly newspaper printed in Danville or Crawfordsvile for at least thirty days before the same is required to be paid.

Sec. 9. Said company shall have power and are hereby authorized to survey and locate a road from Danville in Hendricks county by way of North Salem to Crawfordsville, on such route as they may designate, and shall be authorized and empowered to enter upon any highway or public road, and appropriate the same to the construction of said plank road, and such highway or public road shall thereupon become to all intents and purposes the property of said company. Said company may take conveyances and releases of all the necessary lands over which said road may be located, and any such releases may be executed by any infant, *feme covert*, guardian, administrator, or executor, and shall be as valid and effectual in law as if such person or party so executing the same were of full age, sold or had done the same personally, and any such release executed by any guardian, executor, or administrator, if approved of by the proper probate court, shall bind the heirs, estates, creditors, legatees, and devisees thereof.

Sec. 10. For the purpose of locating and constructing said road it shall be lawful for said company, by their agents or persons in their employ, to enter upon any lands to make surveys and estimates, and to take from the land occupied by said road any stone, gravel, timber, or other material necessary to construct said road and the bridges thereon.

Sec. 11. If any person or persons owning lands upon which said road may be located shall refuse to relinquish the same for the use thereof, and no satisfactory contract can be made with such owners by said company therefor, it shall be lawful for said company to give notice to some justice of the peace of the proper county, who shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named and within ten days thereof, and if the parties cannot then agree, said justice shall issue a venire for three disinterested, discreet, men of the county, whom he shall select as arbitrators, and such arbitrators, after having taken an oath or affirmation faithfully and impartially to assess the damages, if any, to any such lands, shall view the lands on which such damages are claimed, and shall determine the same, duly considering the advantages and disadvantages of said road to

said owner, and shall make a report thereof to such justice, who thereupon shall enter judgment upon such finding, from which either party however may appeal to the proper circuit court; but no such appeal shall stay the progress or proceeding of the company in opening and constructing such road on said lands.

Sec. 12. If the owner named in the foregoing section be a minor or insane person or non-resident of the county, said justice of the peace shall cause three notices to be posted up in the township in which said lands lie, giving notice of the time and place of such arbitration and assessment, and if no person appears he shall appoint some disinterested person to act on behalf of such absentee, and then proceed as in other cases, costs shall be awarded by the arbitrators.

Sec. 13. In case said company shall require for the use of said road any stone, gravel, timber, or other material from the lands of any person adjoining to or near said road, and said company cannot contract with the owner for the same, said company may proceed in like manner and have the value of any such materials assessed, as is prescribed in the eleventh and twelfth sections, except as to estimating the advantages of said road, and in any such case of lands and materials, said company may take the possession of and use the same immediately upon having paid to the justice of the peace, for the use of the owner of such lands or materials, the sum, if any, which may have been assessed therefor, notwithstanding any appeal which may be pending in the matter.

Sec. 14. If any person or persons, body politic or corporate, upon whose lands said road may be located and constructed, shall not, within six months after such road is completed upon said lands, demand of said company payment or damages for the lands so taken or occupied, such person or persons, body politic or corporate, and all persons claiming by, through, or under them, shall be forever barred from asserting or sustaining any action to recover said lands or damages on account of the appropriation thereof.

Sec. 15. Said road may be commenced by said company so soon as six thousand dollars of the capital stock shall be subscribed, and the company hereby created shall cause said road to be opened not less than forty feet nor more than one hundred feet wide, and that portion of it constructed of plank shall consist of a permanent single track plankway, with proper grades and structures of earth on one or both sides of said plankway to enable teams and vehicles conveniently to pass each other, such plankway to be of a width which said company may determine, and upon such portions as may be macadamized or graveled, or of earth, the work part shall not be less than twenty feet wide.

Sec. 16. The directors of said road may receive labor, materials, and personal property in payment of subscriptions of stock to said company at the estimated value thereof, as made by said directors.

Sec. 17. Said company shall commence said road within two years from the passage of this act, and shall cause books for the

subscription of stock in said road to be opened at such time and place as may be directed by the president of said road not less than twice in each year, until the whole amount of stock necessary for the completion of said road shall be taken, and said stock shall be expended in the prosecution of said road as fast as paid in to said directors.

Sec. 18. Whenever four miles of said road shall be completed, a gate may be erected thereon, and so on for every additional four miles, until the whole is completeted. After said road shall be completed, said company may erect and maintain toll gates at such points and at such distances from each other as they may deem proper, and the tolls which may be charged upon said road, and payable at the gates erected thereon, shall not exceed the following rates, for every eight miles distance travelled thereon, and in proportion for any greater or less distance, to-wit: for every four wheeled coach, carriage, buggy, or other vehicle drawn by one horse or other animal, fifteen cents; for every horse or other animal in addition thereto, five cents; for every cart or other two wheeled vehicle, drawn by one horse or other animal, twelve cents; for every horse or other animal additional thereto, five cents; for every sled or sleigh drawn by one horse or other animal, ten cents; for every horse or other animal in addition thereto, five cents; for any of the vehicles aforesaid, used chiefly to carry passengers or passengers and baggage, five cents; for each passenger or passenger and his baggage in addition to, the rates above described; for every horse, mule, or ass, six months old or upwards, led or driven, three cents; for every head of neat cattle, six months old or upwards, two cents; for every hog, sheep, or other animal, not herein enumerated, one cent each; *Provided*, That no toll gate shall be erected within one mile of the town of Crawfordsville.

Sec. 19. The company may make and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel on said road, and also the rules to be observed, which may be deemed for the welfare of said company, and any person wilfully violating any ordinance or by-law made by said company, shall forfeit and pay the sum of five dollars, to be sued for and collected by said company in an action of debt before any justice of the peace of the county where the offender may be found.

Sec. 20. Said company shall put up a stone or post at the end of each mile, with the proper inscription thereon, and at or near each toll gate a statement of the rates of toll charged on said road.

Sec. 21. If any toll-gatherer or gate-keeper on said road unreasonably detain any person or passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to the said person or passenger, to be recovered before any justice of the peace having jurisdiction, within twenty days after the occurrence.

Sec. 22. If any person or persons using any part of said road, shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road, to avoid any toll gate, or make any untrue statement of the distance which he or they may have travelled, or may intend to travel, on the road, or shall practice any fraud to lessen or avoid the payment of toll, each and every person concerned in such fraudulent practice shall for every such offence forfeit and pay to said company the sum of ten dollars, which shall be recovered in the name of said company, in an action of debt before any justice of the peace of the county wherein the offender may be found, to be collected without regard to stay of execution, or relief from valuation or appraisment laws: *Provided*, That nothing herein contained shall prevent persons residing on or near the line of said road from passing thereon, between the gates about their premises, for ordinary business.

Sec. 23. If any agent, treasurer, or toll-gatherer, or other person to whose possession or custody any of the moneys of said corporation shall come or be placed, shall convert any of the said moneys to his own use, or make way with the same in any manner, he shall be deemed guilty of embezzlement, and shall be punished upon indictment, found in the same manner as if he had stolen the same. The neglect and refusal of any such person to pay over on demand to said company, or their proper agent, any moneys in his hands belonging to said company, shall be deemed *prima facia* evidence that he has embezzled the same.

Sec. 24. The said corporation may purchase and hold real estate separate and distinct from that on which said road may be located and constructed, to an amount not exceeding in value twenty thousand dollars.

Sec. 25. The president and directors of said company shall be individually liable for all debts contracted by them in the prosecution of said road over and above the amount of solvent stock subscribed.

Sec. 26. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXIV.

An act to incorporate the Lagrange Male and Female Seminary.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Sargent, Ira Church, Mahlon Strickland, Joseph Miller, C. B. Holms, Simon M. Cutler, John Menelaus, Halley Peck, Amos Davis, Isaac P. Granis, and Thomas White, be and they are hereby declared to be a body corporate and politic in law, under the name and style of the "Trustees of the Lagrange Male and Female Seminary," and by the said name and style they shall have perpetual succession and exist forever; the whole number of the board of trustees hereby constituted shall never at any time consist of less than nine nor [more] than thirteen members.

Sec. 2. That it may be lawful for said members to hold meetings at such times and places as they may deem necessary; to sit on their own adjournment, or the call of the proper officer, or a majority of said trustees; to appoint a president, secretary, treasurer, and such officers as they may deem necessary; and to establish such rules, ordinances, and by-laws as they may deem expedient.

Sec. 3. That it shall be lawful for said trustees to establish and maintain in the town of Lagrange, in Lagrange county, and State of Indiana, a seminary of learning, to be known by the name and style of the "Lagrange Male and Female Seminary," on a plan the most suitable for the benefit of the young of every class of citizens, and every religious denomination, who shall be freely admitted to equal advantages and privileges of education, and to all the literary honors of said seminary according to their merit.

Sec. 4. That said seminary shall be under the care and supervision of the church authorities of the Methodist Episcopal Church of the Lagrange Circuit North Indiana Conference, and that said authorities shall have power to elect annually trustees to supply the vacancy on the board occasioned by the expiration of the term of office, which shall take place in the following order: the first four of the above mentioned trustees to serve for the term of two years from the 1st of January, A. D., 1850; the next four for the term of four years from the date aforesaid; and the remaining trustees to serve the term of six years from the date aforesaid, the succession to continue in the same order for ever.

Sec. 5. Said trustees and their successors are hereby made capable in law to have, possess, purchase, receive, enjoy, and retain, hold, or dispose of, for the use of said seminary, lands, tenements, and annuities, and other hereditaments, in fee simple, or for a term of years, for life, or otherwise; also of moneys, bonds, bills, notes, goods, chattles, interest, or effects, of whatever nature or kind soever,

by the gift, bargain, or devise, of any person or persons, body politic or corporate, capable of making the same, to the amount of fifty thousand dollars, and the same to grant, demise, sell, alien, and confirm, in such manner as they shall deem most conducive to said seminary, to contract and be contracted with, to sue and be sued, to plead and be impleaded, in any court or courts of record, before any judge, judges, or justice of the peace, in this State or elsewhere, in all manner of suits, complaints, pleas, causes, matters, and demands, of whatsoever kind, nature, or form they may be; and all and every other matter, nature, and thing to do in as full and effectual a manner, and to as full an extent as any person or persons, school or seminary, bodies politic or corporate, of like nature within this State, may or can do or enjoy.

Sec. 6. Said trustees shall have power to appoint or elect the principal of the seminary, or to confirm or reject any teacher whom the principal may select to assist him in the board of instruction; and to award, with the consent of the principal, academical diplomas or certificates, to any pupil or pupils, male or female, who shall have passed through a regular course of study adopted in said institution, and [shall have given satisfaction in regard to their knowledge of the same, which diplomas or certificates] shall be subscribed by the principal and president and secretary of the board of trustees.

Sec. 7. This act is hereby declared a public act, to be construed liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gifts, grants, conveyances, or devices to or for the use of said institution be defeated or prejudiced on account of any misnomer or informality whatever: *Provided*, That the intention of the parties be shown beyond a reasonable doubt.

Sec. 8. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXV.

An Act for the relief of Montgomery County.

[APPROVED JANUARY 3, 1850.]

WHEREAS, The board of county commssioners of the county of Montgomery, in the State of Indiana, have heretofore subscribed to the capital stock of the Crawfordsville and Wabash Railroad

Company, being instructed so to do by a majority of the legal voters of said county; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the board of commissioners of Montgomery county, in the State of Indiana, to provide for the payment of their subscription to the capital stock of the Crawfordsville and Wabash Railroad Company, or the yearly interest on the amount thereof, by a tax to be assessed, levied, and collected in the same manner that other taxes are levied and collected for county purposes, or by issuing bonds of not less than one hundred dollars each, and delivering the same to said company instead of money, the same to be received by said company without any discount. And whenever any bonds shall be issued in the name, or upon the faith and credit of said county, it shall be the duty of said board of commissioners to provide for the payment of the interest upon the same, and cause the same to be paid from time to time thereafter, whenever due, according to the terms of said bonds, in the same manner that other debts and expenses of said county are or may be provided for.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCXXXVI.

An act to incorporate the Indianapolis and Springfield Plank Road Company.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Isaac J. Silliman, William G. Coffin, Albram Poteet, John G. Davis, Solomon Allen, Morris Hughs, John W. Wade, Robert S. Hamilton, Daniel Thomas, and William Aydellott, of the county of Parke, and Ashley Harris, William Malone, Elephalet Allen, Charles Trowbridge, William B. Hall, Daniel Weissenger, David Merrywether, Daniel Thompson, and —— Powers, of the county of Vermillion, Turpin Darnall, John Slavans, Alexander S. Farrow, Anderson Johnston, William T. Scott, Dillard C. Donahue, Wilson W. Yates, Elijah C. Wilkinson, Jesse Starr, and James McMurrey, of the county of Putnam, Simon T. Hadly, Edmond Clark, Thomas Nichols, Job Turner, James Maccoun, John Underwood, Harlan Carter, Benjamin A. Hurrin, James T. Hadley, and Michael McClain, of the county of Hendricks, and —— of the

county of Marion, be and they and their successors hereby are constituted a body politic and corporate, to have perpetual existence and succession, to be known as the Indianapolis and Springfield Plank Road Company.

Sec. 2. The capital stock of said company shall be two hundred thousand dollars, divided into shares of twenty-five dollars each, and said company is hereby invested with power to increase the capital stock to any sum not exceeding three hundred thousand dollars.

Sec. 3. The persons named in the first section of this act, or a majority of them, shall meet at such times and places as the board of directors shall appoint, but on or before the first Monday of June, next, and organize said company, by electing one of their body president, and after such organization, shall immediately proceed to open books for subscription to the capital stock of said company, at such places as they may deem proper to receive subscription to the stock of said company, which books shall be open at such times and under such regulations as may be directed by the person elected president as aforesaid.

Sec. 4. The books of subscription to said stock, shall contain the following entry and caption, to be signed by subscribers to said stock, viz: Plank Road Company. We, the undersigned, promise to pay the Indianapolis and Springfield Plank Road Company, twenty-five dollars, for each share of stock set opposite our names, to be paid at such times, and in such sums as said company may direct.

Sec. 5. As soon as twenty-five thousand dollars of the capital stock of said company shall be subscribed and taken, the president of said company shall call a meeting of the subscribers, by publishing in some newspaper, printed in each of the said counties, at least ten days before the meeting, and the stockholders, or such of them as may meet at the time and place appointed, shall proceed and elect nine persons, not more than four of whom, shall reside in any one of the counties through which the road runs, of their number, to be directors, who, with the president already chosen, shall hold their offices until the succeeding first Monday of March, and until their successors are chosen. Any vacancy which may occur in any of said offices, either by death, resignation, refusal to serve, or removal, may be supplied at any meeting of the stockholders. The semi-annual meeting of said company shall be on the first Mondays' of March and September, in each year, and the said directors shall, at each semi-annual meeting, elect three of their number an executive committee to transact all business of the company, falling within the power of the board of directors, until the next semi-annual meeting.

Sec. 6. Certificates of stock shall be given to stockholders, signed by the president and counter-signed by the clerk. The stock shall be transferrable on the books of the corporation, in such manner as said company may, by by-laws, prescribe, but the company shall, at all times, hold a lien on all stock, for any dues from

the holders thereof, of said company, or for sums that may thereafter become due to said company on contracts made prior to such transfer.

Sec. 7. Said corporation shall keep a book containing a journal of its proceedings, at any regular or special meeting thereof, and the proceedings at such meetings, being drawn up and signed by the president and clerk, shall be *prima facia* evidence, in all courts of justice, and all other places of the facts therein stated.

Sec. 8. The capital stock subscribed to said company, shall be payalle in such sums and at such times as said corporation, at any stated meeting thereof, may direct, and said company may, by by-law, prescribe such penalties and forfeitures for the non-payment of assessments ordered to be paid upon such stock as they may deem proper. Notice of all the assignments shall be given by publication in some newspaper printed in the counties of Parke and Hendricks, at least twenty days before such assessment is required to be paid. And in all suits brought by the company, for the recovery of any assessment, ordered to be paid on the steck, it shall only be necessary to offer in evidence, the books of the company, showing the amount of the stock subscribed by the defendant and the assessment made thereon, or a copy thereof, duly certified by the clerk, under the corporate seal.

Sec. 9. Said company shall have power, and are hereby authorized to survey and locate a road from such point on the National Road west of Indianapolis as the directors may hereafter designate to the State line in the direction of Springfield, in the State of Illinois, by way of Danville, New Winchester, Rockville, and Montezuma. Said company may, and it shall be lawful for them to enter upon any highway or public road, wherever such highway or road may be located, and appropriate the same to the construction of said road, and thereupon such road or public highway shall become to all intents and purposes the property of said company; and the company may, whenever they may find it convenient, lay the said plank road on or along the State road leading from Indianapolis by way of Danville, Rockville, and Montezuma; and that said State road be, and the same is hereby declared vacated so soon as the said plank road shall be completed, except such portion thereof as is taken and appropriated by the said plank road. Said company may take releases and conveyances of the necessary lands of any and all persons over whose lands the road may be located, and any such release or conveyance may be executed by any infant. feme covert, guardian, executor, or administrator, and have the same force and be as valid and effectual in law as if such persons so executing the same were of full age, sole, or had done the same personally; and such release, executed by an executor or administrator, if approved by the proper probate court, shall bind the estate and the heirs, creditors, legatees, and devisees thereof.

Sec. 10. For the purpose of locating and constructing said road

it shall be lawful for said company by their agents or persons in their employ, to enter upon any land, to make surveys and estimates, and to take from the land occupied by said road any stone, gravel, timber, or any other material necessary to construct said road and bridges thereon.

Sec. 11. If any person or persons owning lands over and upon which said road may be located, shall refuse to relinquish the same for the use of said road, and no satisfactory contract can be made with such owners by said company therefor, it shall be lawful for said company to give notice to some justice of the peace of the county, and said justice shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named therein, and within ten days thereafter, and if the parties cannot then agree, said justice shall issue a venire for summoning before him a jury of three disinterested men of the county, to be selected by said justice, and such jury, after having taken [an] oath or affirmation faithfully and impartially to assess the damages if any, shall view the lands upon which such damages are claimed and shall determine the same, duly considering the advantages and disadvantages of said road to said owner, and shall make report thereof to such justice, whereupon he shall enter judgment upon such report, from which report either party may appeal to the circuit court, but no such appeal taken shall stay the proceedings of the company in opening and constructing such road over and upon such lands.

Sec. 12. If the owner is a minor or insane person, or shall reside out of the county where such land may be, said justice shall cause three notices to be put up in three public places within the township where such lands are situated, of the time and place of summoning such jury to make such appraisement, and if no person appears for such minor, insane, or non-resident of the county, he shall appoint some disinterested person to act on behalf of such absentee, and shall then proceed as in other cases, and in all cases costs shall be awarded in the discretion of the jury.

Sec. 13. In case said company shall require for the use of s ai road any stone, gravel, timber, or any other material, from the land of any person adjoining on or near said road, and said company cannot contract with the owner for the same, said company may proceed in like manner to have the value of such material assessed, as is above prescribed for assessing the value of lands, except as to estimating the advantages of said road, and in any such case of lands and materials, said company may take possession of and use the same immediately, after having paid to the justices, for the use of the owner of such lands or materials, the sum, if any, which may have been assessed therefor, notwithstanding any appeal which may be pending.

Sec. 14. If any person or persons, body politic or corporate, over and upon whose lands said road may be located and constructed,

shall not, within six months after said road is commenced across said lands, demand of said company payment or damages for the lands taken or occupied in laying out, making, or constructing said road, such person or persons, body politic or corporate, and all persons claiming by, through, or under him or them, shall be forever thereafter incapable of sustaining any action, either to recover said land, or damages on account of the appropriation thereof.

Sec. 15. Said road may be commenced so soon as twenty-five thousand dollars of the capital stock shall be subscribed and taken; the company shall cause said road to be opened not less than forty, nor more than sixty-nine feet wide, and that portion of it built of plank shall consist of a permanent single track plank way, with proper grades and structures of earth on one or both sides of said plank way, to enable teams or vehicles to pass each other, such plank way to be the width that such company shall determine, and upon such portion as may be McAdamized, or built of gravel or earth, the worked part shall be not less than sixteen feet wide. Said company, should they deem proper, may construct a double track plank way, upon the whole or any portion of said road.

Sec. 16. Said road shall be commenced within one year from the passage of this act.

Sec. 17. The directors of said company may receive labor, material, and personal property in payment of stock subscribed to said company, if in their discretion they think proper, to be taken and estimated at the appraisal of the president thereof.

Sec. 18. If said road, after its completion, or any part thereof shall be suffered to be out of repair, so as to be impassable for the space of one year, unless when the same is repairing, said company may be proceeded against by *quo warranto*, as for a violation of this charter, and if said company shall suffer said road to be out of repair, to the hindrance or delay of travelers, for any unreasonable length of time, they shall have no right to collect tolls thereon until the same is repaired.

Sec. 19. Whenever five miles of said road are completed a gate may be erected thereon, and so on for every additional five miles until the whole is completed; *Provided*, That no toll-gate shall be erected on said road within one half mile of Danville, west. After said road is completed said company may erect and maintain toll-gates at each point, and at such distances from each other as they may deem proper, and the tolls charged upon said road, and payable at the gates erected thereon, shall not exceed the following rates: For every ten miles distance traveling thereon, and in proportion of any greater or less distance, as follows:—for every four wheeled coach, carriage, buggy, wagon, or other vehicle, drawn by one horse or other animal, fifteen cents; for every horse or other animal additional, five cents; for every cart or other two wheeled carriage, drawn by one horse or other animal twelve cents; for every horse or other animal in addition thereto, five cents; for every sled or sleigh, drawn by one horse or other animal in addition thereto,

five cents; for any of the vehicles aforesaid, used chiefly to convey passengers and their baggage for hire, five cents for each passenger and his baggage; in addition to the rates above prescribed; for every horse and rider, five cents; for every horse, mule, or ass, six months old or upwards, led or driven, three cents; for every head of neat cattle, six months old or upwards, two cents; and for every hog, sheep, or other animal not herein enumerated, one cent.

Sec. 20. Whenever said company shall have completed a double plank track or way, over that portion of the road on which a plank way shall be constructed, then said company may, and it shall be lawful for them to charge one quarter in addition to the tolls specified in the last preceding section.

Sec. 21. Said company may make, erect, and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of the State, in order to regulate the travel upon said road, and the rules to be observed by persons meeting or passing wagons or carriages, and all other matters which may be deemed for the welfare of said company, and any person wilfully or neglectfully violating any ordinance or by-law, made by said company, shall forfeit and pay the sum of five dollars, to be sued for and collected by said company, in an action of debt, before any justice of the peace of the county where the delinquent or offender may be found.

Sec. 22. Said company shall put up a board at or near each gate, with the rates of toll painted or printed thereon, and also, the by-laws relating to the meeting of wagons and other vehicles.

Sec. 23. Dividends of the profits of said company, shall be made semi-annually, among the stockholders on the first Mondays in March and September.

Sec. 24. If any toll-gatherer or gate-keeper on said road, shall unreasonably detain any person or passenger, after the toll has been paid, or tendered, or shall demand or receive greater toll than he is by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit, before any justice of the peace having jurisdiction within twenty days after the occurrence, by the party aggrieved.

Sec. 25. If any person using any part of said road, shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road, to avoid any toll-gate, or shall make any untrue statement as to the distance he or they may have traveled or intended to travel on the road, or shall practice any fraud, shall, for every such offence, forfeit and pay to said company, the sum of ten dollars, which shall be recovered in the name of said company, in an action of debt, before any justice of the peace of the county where the offender may be found, and shall be collected without any stay of execution or any regard to valuation or appraisement laws; *Provided*, Nothing herein contained, shall prevent persons residing on or near the line of said road, from passing thereon, between gates about the premises, for common ordinary business.

Sec. 21. If any agent, treasurer, or toll-gatherer, or other person to whose possession or custody of, any moneys of said corporation shall come, or be, shall convert any of the said money to his own use, or make way with the same in any way, he shall be deemed guilty of embezzlement, and shall be punished upon indictment, found in the same manner as if he had stolen the amount so embezzled; the neglect or refusal of any such person to pay over on demand, to said company, or their agent, any moneys in his hands, belonging to said company, shall be deemed *prima facia* evidence that he has embezzled the same.

Sec. 27. The said corporation may purchase or hold lands to the value of not exceeding ten thousand dollars, over and above such lands as may be necessary in the location and construction of said road.

Sec. 28. Except as in this act is otherwise provided, this corporation shall possess the general power and be subject to the general restrictions and liabilities contained in the second article of chapter thirty-two, of the Revised Statutes of 1843.

Sec. 29. The stock subscribed under this charter, shall be laid out under the direction of the directors living in the counties where subscribed.

Sec. 30. This act shall be deemed and taken to be a public act, and shall be liberally construed and shall take effect and be in force from and after its passage.

CHAPTER CCXXXVII.

An act to authorize the auditor of Grant county to loan money to the trustees of the Grant County Seminary.

[APPROVED JANUARY 19, 1850.]

WHEREAS, The citizens of Grant county have subscribed one thousand dollars for the building of a seminary in said county, which sum, together with the amount of the seminary fund at the disposal of said trustees is insufficient to complete such a building as is desired; AND WHEREAS, The said trustees have contracted for the erection of a seminary, the abandonment of which would subject them to the loss of the subscription by the citizens of the county, and entitle the person contracted with to damages; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of Grant county is hereby authorized to loan

to the trustees of the county seminary, out of any or all of the funds in his hands subject to loan, a sum not exceeding twelve hundred dollars, which may be by said trustees thought necessary, to be expended in building and completing a seminary in Marion, Grant county.

Sec. 2. The auditor shall take a mortgage from said trustees of the lots owned by the seminary, and any buildings or appurtenances which are or may be erected thereon; and the said auditor shall be governed in making said loan by the laws now in force regulating the loaning of funds to individuals, so far as the same do not conflict with this act.

Sec. 3. This act to be in force and take effect from and after its passage.

CHAPTER CCXXXVIII.

An act to improve Laughery Creek in the State of Indiana.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Nathaniel L. Squib and Benjamin Hale of Ohio county, together with James McGuire of the county of Dearborn, be and they are hereby constituted commissioners to make such improvements on Laughery creek as they may deem necessary and proper, and the same powers are hereby conferred upon said commissioners as are conferred upon supervisors of highways in the 86, 87, and 88 sections of chapter 16 of the Revised Statutes of 1843, and the same rights to persons aggrieved are hereby given as are given in said sections, and the same duties enjoined upon the county commissioners of the counties of Dearborn and Ohio, as are enjoined in said sections upon boards of county commissioners.

Sec. 2. Nothing herein contained shall be so construed as to authorize said commissioners to make any improvement which will injure any mill or mill property.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXIX.

An act to authorize the board of commissioners of Daviess county to compound a certain claim against the surviving security of Joseph Doherty, late of said county, deceased.

[APPROVED JANUARY 21, 1850.]

WHEREAS, Joseph Doherty, late of the county of Daviess, deceased, in the year 1837, borrowed the sum of seventy-five dollars of the surplus revenue funds of said county, for the repayment of which one John Fryer (now and long since deceased, and whose estate is insolvent) and one Thomas Brown became his securities; AND WHEREAS, The estate of said Doherty is wholly insolvent; AND WHEREAS, A judgment has been obtained against the said Brown for the sum of money so borrowed as aforesaid and interest thereon, who is but illy able to pay the same; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of said county be and he is hereby authorized to take from the said Brown a note, with good personal security, to secure the payment of the said sum of seventy-five dollars, or such other portion of the original amount of such sum of seventy-five dollars, borrowed as aforesaid, as may be found due, and upon said Brown securing such sum as aforesaid, he shall be discharged from the payment of all interest that may have heretofore accrued on the said original loan, and that said auditor shall be authorized to enter satisfaction of the judgment aforesaid, in full of principal and interest.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CCXL.

An act for the relief of Hezekiah Hinkston, heir-at-law of David Hinkston, deceased, late of Marion county, State of Indiana.

[APPROVED JANUARY 19, 1850.]

WHEREAS, The said David Hinkston did on the 27th day of January, A. D. 1831, purchase of John M. Frazier, commissioner of school lands of the county of Marion, the east half of the north-east quarter of section sixteen in township fourteen (14) north, of range three (3) east, being past of the school section of said township, for the sum of two hundred and forty dollars; AND WHEREAS, It

appears from the endorsements upon the certificate then given to him, that full payment has been made to the proper officers for the full amount of principal and interest, due for the tract of land so sold as aforesaid; AND WHEREAS, It is represented to the General Assembly that the said David Hinkston has deceased, leaving the said Hezekiah Hinkston his only child and heir-at-law surviving him, and that no deed has yet been made for said premises; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of the county of Marion aforesaid be and is hereby directed to execute to said Hezekiah Hinkston a deed in fee simple for said tract of land upon the presentation of said certificate and the endorsement thereon of payment in full thereof, and upon being satisfied that said Hezekiah Hinkston is the only child and heir at law of said David Hinkston, deceased, saving however in said deed the right of the widow of said David Hinkston, deceased, to dower in said premises.

Sec. 2. This act to be in full force from its passage.

CHAPTER CCXLI.

An Act to provide for draining wet lands in the county of Adams.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act, entitled "An act to provide for draining swamps and wet lands in Vanderburgh, Cass, Pulaski, and Fulton counties," approved February 14, 1848, be, and they are hereby extended to the county of Adams.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXLII.

An Act for the relief of Nancy Kitchen.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate judge of Gibson county be, and he is hereby authorized to appoint a competent person as guardian for Nancy Kitchen, an insane person of said county, without requiring the sheriff of said county to summon a jury to inquire into and report on her condition, as is required by sections 167 to 173 inclusive, of chapter 46, of Revised Statutes of 1843.

Sec. 2. The guardian so appointed shall in all respects be governed by the laws now in force in relation to the duties of guardians for insane persons.

Sec. 3. This act to take effect and be in force from and after its publication in the State Sentinel and Indiana State Journal.

CHAPTER CCXLIII.

An Act declaring a certain stream therein named a public highway, in the county of Shelby.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the stream known and commonly called Con's creek, in the county of Shelby be, and the same is hereby declared a public highway.

Sec. 2. It is hereby [made] the duty of each supervisor in said county, through whose district said stream may pass, to cut loose or remove all natural obstructions lying in or across said stream within their respective districts.

Sec. 3. Nothing in this act shall be so construed as to render public any stone, gravel, or other valuable material lying in or along the banks of said stream, nor to apply to any dam, footbridge, or other necessary obstruction.

Sec. 4. This act to take effect and be in force from and after its publication.

CHAPTER CCXLIV.

An Act providing for the opening of streets and alleys in the City of Indianapolis.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all streets and alleys in the City of Indianapolis which have become vacated by reason of the same not having been worked or used as provided for in the Revised Statutes of 1843 be, and the same are hereby declared opened; and any person or persons obstructing the same shall be liable to the same penalties that persons are now subject to for obstructing streets or alleys in said city: *Provided*, That all streets and alleys which pass through the farm of the late Governor Noble shall be exempted from the provisions of this act, except that portion of Market street west of Pogue's Run; and the alleys between said section of Market street and Washington street, as also the alley between said streets farthest east, except so much as passes through the lands of the late Governor Noble, deceased.

Sec. 2. All laws and parts of laws conflicting with the provisions of this act, be, and the same are repealed.

Sec. 3. This act to be in force from and after its passage and publication in the Indiana State Sentinel and State Journal.

CHAPTER CCXLV.

An Act to repeal an act, entitled "An act to incorporate the Town of Bloomfield," approved February 2, 1837.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled "An act to incorporate the town of Bloomfield," approved February 2, 1837, be, and the same is hereby repealed.

Sec. 2. That at the April election, in the year 1850, for the election of township officers for the township of Richland, in the county of Greene, a poll shall be opened by the judges and clerks of said election for the purpose of taking the sense of the qualified voters of said town touching the repeal of said law; and to each of the voters of said town of Bloomfield the following question shall be put by the judges of said election, to-wit: "Are you in favor of

repealing the law incorporating the town of Bloomfield?" and if a majority of the said voters of said town shall answer in the affirmative to said question, then, and not until then, this act shall be in force, and the judges and clerks of said election shall be governed in taking this vote, as far as may be, by the law regulating elections.

Sec. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CCXLVI.

An act to locate a State road from Crawfordsville, in Montgomery county, to Concord, in Tippecanoe county.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Nickleson, of the county of Montgomery, and Noah Travis, of the county of Tippecanoe, be, and they are hereby appointed commissioners to view, mark, and locate a state road as follows: commencing at a point on the Crawfordsville and Lafayette state road, where the county road, the termination of which is at the centre of section ten, (10) township twenty, (20) range four (4) west, where the Thorntown and Attica state road leaves the aforesaid Crawfordsville and Lafayette state road, thence with said county road as near as practicable to the half-mile stake on the south side of section ten, (10) town. twenty, (20) range four (4) west, thence east three-quarters of a mile, thence north on the nearest and best ground, to the center of section two, (2) town. twenty, (20) range four (4) west, thence north with said line to the county line dividing Tippecanoe and Montgomery counties, thence on the best route to the south-east corner of the west half of the south-west quarter of section twenty-six (26) town. twenty-one, (21) range four (4) west, thence north one-fourth of a mile, thence a north-easterly direction to a bridge across Dismal Slough, thence on the nearest and best route, till it intersects the county road running from Darlington, in Montgomery county, to Concord, in Tippecanoe county, at the south-east corner of the north half of the east half of the south-east quarter of section twenty-three, (23) town. twenty-one, (21) range four (4) west, thence with said county road until it intersects the Jamestown and Lafayette state road, at or near Concord.

Sec. 2. The said commissioners shall meet at such time and place on said road as they may agree upon, on or before the first Monday of August, or so soon thereafter as they may agree, and after taking an oath faithfully to discharge their duties as such commissioners, shall proceed to view, mark, and locate the said road, and shall be governed in all things by the laws now in force for laying out roads and highways, and said commissioners shall receive each one dollar per day for their services while so employed.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXLVII.

An act declaring a certain road in Morgan county a state road.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the present road in Morgan county, commencing at the half-mile stake on the east side of the sixteenth section in township thirteen, range of No. two west, and intersecting the Martinsville and Greencastle state road, near Allen R. Seaton, is hereby declared a state road.

Sec. 2. It is here declared that John Ratliff and William Wigal, of the county of Morgan, be, and they are hereby appointed commissioners to view, mark, locate, and change such road as they may deem it necessary, commencing as in section 1, and running one mile and three quarters east, thence to past David A. Curtice's, thence passing Eli Staley, thence to the fording of the lake, thence to Allen R. Seaton's, thence to intersect the road leading from Martinsville to Greencastle.

Sec. 3. The commissioners shall meet at John Ratliff's, in Morgan county, on or before the first Monday in June next, and proceed to locate said road, as is provided in the second section of this act, a statement of which shall be filed in the office of the auditor of Morgan county, and for such services the board doing county business shall make such allowance to said commissioners as their services aforesaid seem to be just and reasonable.

Sec. 4. And it is hereby made the duty of the supervisors in the several districts on said road, to take charge of the same and proceed to open said road, the width as is provided for by the law

of this State, and work and keep the same in repair with the same means as other roads in this State.

Sec. 5. This act to be in force from and after its passage.

CHAPTER CCXLVIII.

An act for the relief of William Mackey.

[APPROVED JANUARY 21, 1850.]

Whereas, It is represented to this General Assembly, that at the March term of the Board of Commissioners of Perry county, for the year A. D. 1847, that one William Mackey (the owner and occupant of the N. W. quarter of the S. W. quarter of section No. 33, in Township No. 5, south of range No. 3 W.,) did petition said board of commissioners, for leave to change so much of a certain county road as run through said tract of land; And Whereas, Said board did at a subsequent term of their said court, viz: at the March term, for the year 1848, make an order granting said Mackey leave to change said road, in accordance with the report of certain viewers by them appointed; And Whereas, Said Mackey did make said change in said road aforesaid; And Whereas, Upon an examination of the proceedings of said board of commissioners by the Circuit Court, held in and for said county, at the fall term thereof, in the year 1849, it was found that the proceedings of said board of commissioners was not in strict conformity with the law touching the premises; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the change made in said road by said Mackey, is hereby legalized and established, as fully as though all the proceedings had before said county commissioners had been in strict accordance with the law in such case made and provided.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXLIX.

An act to transfer the dockets of John Hodge and Jefferson S. S. D. Carey, late Justices of the Peace in Grant County, Indiana, to the custody of Thomas Wall, a Justice of the Peace in said County.

[APPROVED, JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for Elisha Cast, a justice of the peace in Grant county, or any other person, having his consent, to transfer and hand over to the custody of Thomas Wall, a justice of the peace in said county, residing in Marion, in said county, or into the hands and custody of any other justice of the peace of said county, residing in Marion, the dockets and papers belonging thereto, of John Hodge and Jefferson S. S. D. Carey, late justices of the peace of said county, which dockets and papers are now in the hands of said Cast.

Sec. 2. The said Wall, or any other justice of the peace into whose hands said dockets shall be transferred as aforesaid, shall have the same power to issue executions or other writs, and to give and certify transcripts, and to do and perform any other duties in relation to the unfinished or other business on said dockets, as fully as if he, the said Wall, or other justice, was the legal successor of the said Hodge and Carey.

Sec. 3. This act shall be in force from and after its passage, and it is hereby made the duty of the Secretary of State to transmit a certified copy to the clerk of the Grant Circuit Court, to be filed by the said clerk, in his office.

CHAPTER CCL.

An act for the relief of Zadock C. Smith, of Miami county.

[APPROVED JANUARY 21, 1850.]

WHEREAS, Zadock C. Smith, of Miami county, is a settler upon that part of section sixteen, township number twenty-five, of range number five east, in said county, which is described as lot No. 2 of said section, and has made lasting improvements thereon to the value of one hundred and sixty dollars, as appraised by the trustees of said township: AND WHEREAS, The land aforesaid, exclusive of said improvements, has been appraised by

said trustees at the sum of six dollars per acre, which said appraisements have been returned to the auditor of said county: AND WHEREAS, Said land is about to be sold, and the trustees and other citizens of said township have asked that provisions be made for remunerating said settler for his improvements aforesaid; Therefore,

Section 1. *Be it enacted by the General Assembly of the Seate of Indiana*, That the auditor and treasurer of said county of Miami, are hereby authorized to sell said lot No. two (2), of section sixteen (16), township twenty-five (25), of range five (5) east, at the said appraised value of the same, exclusive of the improvements aforesaid, and that no person shall become the purchaser of said land without first paying to the said Zadock Smith the said sum of one hundred and sixty dollars for his improvements so appraised as aforesaid, and filing his receipt for the same with said auditor, or shall deposit the said sum of one hundred and sixty dollars with the treasurer of said county for the use and benefit, and subject to the order of, the said Zadock Smith.

Sec. 2. This act to take effect and be in force from and after its passage and the filing of a copy thereof in the office of the auditor of said county, and it is hereby made the duty of the Secretary of State to forward to said auditor a certified copy of the same immediately.

CHAPTER CCLI.

An act for the relief of persons who have made improvements on school section in township 25 north, of range 3 east, in the counties of Cass and Miami.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions and benefits of an act entitled "an act for the relief of persons who have made improvements on school section in the Miami Reserve," be, and they are hereby extended to unmarried men who made valuable and lasting improvements on said school section, though not actual house keepers on the same. And the person whose duty it is made by that act to have the said appraisement and valuation made, is hereby authorized and directed to proceed to have the same appraised, as if the said person or persons had been, and still continued to be, actual housekeepers.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCLII.

An act for the relief John Maharry, and others.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so soon as $200 shall be collected on the recognizance bonds of Joseph Coughren or Martin Moore, it shall be the duty of the clerk of the circuit court of the county of Tippecanoe, to pay out of said money to John Maharry the sum of $100; also, to pay to James Gregory, the president of the Council Grove Protection Company, or his successor in office, the sum of $100 for the use of said company.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCLIII.

An act for the relief of the trustees of Union Meeting House for the United Brethren in Christ, in Wayne county.

[APPROVED JANUARY 16, 1850.]

WHEREAS, It has been represented that the trustees of Union Meeting House for the United Brethren in Christ, in Wayne county, have failed to procure a certificate of their election to be recorded in the recorder's office of the county of Wayne, whereby the rights of the said Church may be affected; for remedy whereof,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the failure to procure the certificate of the election of the trustees of the said Union Meeting House for the United Brethren in Christ, in said county, to be recorded in the recorder's office of the county of Wayne, shall in no wise affect or impair any rights, immunities, or privileges, that such trustees might or would have enjoyed, had a certificate of the election of said trustees been regularly recorded in said recorder's office; and all acts heretofore done, or that may hereafter be done, by the trustees of said meeting house, and all transfers and conveyances made to said trustees of said meeting house heretofore, or that may hereafter be made to them, and all rights, claims, and privileges heretofore conferred and accrued to said trustees of said meeting house, be, and they are hereby legalized and made good and effectual in law,

as if the certificate of the election of the trustees of said meeting house had been regularly recorded in the recorder's office of the said Wayne county; and that the said trustees and their successors in office shall hereafter be governed in all respects by the laws that are, or hereafter may be, in force in this State on that subject.

Sec. 2. This act to take effect and be in force from and after its passage, and that a certified copy thereof be delivered to said trustees therein named.

CHAPTER CCLIV.

An act to incorporate the Fort Wayne and Wolf Lake Turnpike road Company.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That W. G. Ewing, Thomas Sweney, R. W. Taylor, Samuel Edsal, and Peter Heller, of the county of Allen, J. Wolf, of the county of Whitley, George W. Sheldin, Elias Jones, Andrew Humphrey, Samuel L. Smith, and Arthur C. Ritter, of the county of Noble, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the Fort Wayne and Wolf Lake Turnpike Company shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of justice whatsoever, to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the constitution of this State.

Sec. 2. The capital stock of said corporation shall be twenty thousand dollars, divided into shares of ten dollars, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization a majority of said board shall be a quorum to do business.

Sec. 4. The corporation shall have power to appoint agents,

clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act. They shall keep a journal of their proceedings in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to the officers and all others in their employment, which journal and proceedings shall from time to time be signed by their president; they shall sit upon their own adjournment, or on the call of the president; when the president is absent they may appoint a president *pro tem.*, and shall fill all vacancies that may occur in their body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such places as they may choose, due notice of which shall be given, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of ten dollars for each share of stock set opposite our names, in labor, material, land, or money, (the value of the first to be settled by the board of directors,) in such manner, and at such time and proportion as the president and directors of the Fort Wayne and Wolf Lake Turnpike Company may direct. [Witness our hands, this —— day of ——, A. D. 18—"]

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State of the United States, on behalf of the same, to subscribe for any amount of capital stock, and the books shall be kept open for such space of time and at such places as by the corporation may be thought advisable, and they shall have power, upon their own credit, to borrow money on such terms, or raise means in such other way as may be agreed upon by the parties, necessary to complete such road as is contemplated in this charter.

Sec. 7. As soon as one hundred shares are subscribed it shall be the duty of the corporation to give three weeks' notice thereof in the nearest newspaper printed in the vicinity of said contemplated road, and in such notice to appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders and citizens of the State, which election shall be held within three months after the last share in the one hundred shares shall be subscribed for, and shall be conducted by two judges appointed by the stockholders present, and the person having a plurality of votes given and counted in public shall be declared duly elected; no share shall have a right to vote at any election, unless the same shall be held one month previous to the election; in all elections one share shall entitle the holder to one vote only, and votes may be given by persons holding the same, or by one of any partners. or by the authorized agent of any corporation, or any person having a right to vote may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president, and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first shall be held on the first Tuesday of December annually, under the directions of the stockholders, of which election notice shall be given: *Provided*, That if from any cause whatever there shall be no election held on the day appointed, it shall be lawful to hold the election on any other day, to be designated by the directors.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk; stock shall be transferable, but such stock shall at all times be holden thereof to the corporation for any sum that may thereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such part of the stock subscribed as may seem to them necessary to carry on the work, to be paid by the stockholders in such materials, lands, labor, or money as shall have been designated by the party subscribing for such stock, to be paid at such time and place as the board of directors may designate by giving sixty days' notice in one of the nearest newspapers to said road, or by siving written notices to the stockholders; in all such notices the amount demanded on each share, and the time and place of payment, shall be set forth, and it shall be the duty of the board of directors to give to each person subscribing for stock in work, or materials, or labor, [liberty] to furnish the same upon the road most convenient to his premises; and if any stockholder shall neglect or refuse to pay or furnish such requisitions within ten days after the time mentioned in such notice for such payment, the corporation shall have power to collect the same by an action at law in any court of competent jurisdiction, the same to be collected without the benefit of the appraisement law.

Sec. 12. The corporation shall require of all officers and others in their employment bonds, with security to their acceptance, with such penalty or penalties as they may think proper for the faithful performance of their respective duties.

Sec. 13. Said board of trustees may take releases and conveyances of the necessary lands of any and all persons over whose land the said road may be located; and any such release or conveyance may be made and executed by any infant, feme covert, guardian, executor, or administrator, and shall be valid and effectual in law by obtaining the consent of the proper probate court thereto.

Sec. 14. For the purpose of locating and constructing said road, it shall be lawful for said company to enter upon any lands to mark, survey, and estimate, and take from the lands occupied by said road any stone, gravel, timber, or other materials necessary to construct said road and the bridges thereon.

Sec. 15. If any person owning land over and upon which said road shall be located shall refuse to relinquish the same for the use of said road, and no satisfactory contract can be made by such company with such owner therefor, it shall be lawful for such com-

pany to give notice to some justice of the peace of the proper county, and such justice shall thereupon summon the owner of such land, if a resident of such county, to appear before him on a day to be named therein, and within ten days thereafter, if the parties cannot agree, said justice shall issue a venire for summoning before him a jury of three disinterested men of the county, to be selected by said justice, and such jury, after having taken an oath or affirmation faithfully and impartially to assess the damages, if any, shall view the lands upon which such damages are claimed, and shall determine the same, duly considering the advantage of said road to said owner, and shall make report thereof to said justice, whereupon he shall enter judgment upon such report, from which judgment either party may appeal to the circuit court.

Sec. 16. If the owner be a minor, insane person, or shall reside out of the county where such land may be, such justice shall cause three notices to be put up within the township where such lands are situated of the time and place of summoning such jury to make such appraisement, and if no person appears for such minor, insane person, or non-resident of the county, such justice shall appoint some disinterested person to act on behalf of such absentee, and shall then proceed as in other cases, and in all cases the cost shall be awarded in the discretion of the jury.

Sec. 17. In case such company or corporation shall require for the use of said road any stone, gravel, or other materials from the lands of any other person adjoining on or near said road, and said corporation cannot contract for the same with the owner thereof, such corporation may proceed in like manner to have the value of such materials assessed as is above provided for assessing the value of land, and in every such case of land and materials such corporation may take possession of and use the same immediately after having paid such justice for the use of the owner of such land or materials the sum, if any, which may have been assessed therefor: *Provided*, That such jury in assessing such damage shall not take into consideration the advantages of the road to the owner of such land or material.

Sec. 18. The corporation, by their agent, shall have power from time to time to examine, mark, and locate the route of said turnpike road from Fort Wayne, Allen county, to Wolf Lake, Noble county, with power to diverge from a direct line for the interest of the company and public convenience. Such road shall not exceed one hundred feet in width.

Sec. 19. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agent and persons in their employ to enter upon any lands to mark, survey, and estimate for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road.

Sec. 20. If it shall be found convenient or advantageous to the construction and location of said road, the corporation shall have the right to lay the same along or upon any State or county road:

Provided, That all State and county roads crossing said turnpike road shall be left open and free; that if said road or any section thereof shall be suffered to go to decay, or be impassable one year, unless the same is repairing, this charter shall be considered as forfeited.

Sec. 21. The directors may determine the particular manner of construction so as to secure and maintain a smooth and permanent road, the track of which shall be made of plank, or timber, or other hard material, so that the same shall form a hard and even surface.

Sec. 22. When three consecutive miles of such road shall have been completed, the directors of such corporation may erect toll-gates at such points and at such distances from each other as they may deem proper, and exact toll from persons traveling on the road not exceeding the following rates: For every sled, sleigh, carriage, or vehicle drawn by one animal, one and one-half cent per mile; and every animal in addition thereto, one-half cent per mile; for every horse and rider, or led-horse, one cent per mile; for every score of hogs or sheep two cents per mile; and for every score of neat cattle, mules, or asses, five cents per mile. Persons going to and from funerals, persons going to meeting on the Sabbath and returning shall be exempt from toll.

Sec. 23. The corporation shall commence the construction of said road within three years, and complete the same in eight years.

Sec. 24. If any person or persons using said road shall, with intent to defraud said company or to avoid the payment of toll, pass through any private way, gate, or bars, or along any other ground near to said turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another person off said road with intent to defraud said corporation, each and every person concerned in such fraudulent practice shall for every such offense forfeit and pay to the corporation the sum of five dollars, without any benefit of appraisement or stay laws, to be recovered with cost of suit in an action of debt, at the suit of the corporation before any justice of the peace in the county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing along said road from passing about their premises between the gates on said road upon ordinary business.

Sec. 25. If any toll-gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for each such offense forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having jurisdiction, within twenty days after the occurrence.

Sec. 26. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing the road, or any section thereof, with incidental expenses, also a fair account of the toll received; and the books shall always be kept open for the inspection of an authorized agent of the State, or stockholders of said company; and the company shall have the right to sell the stock to the State upon such terms as they can agree.

Sec. 27. The charter shall be limited to fifty years in its duration, and be in force from and after its passage, and be liberally construed as a public act for all beneficial purposes. Every person residing on premises through or touching which said road passes, shall have the privilege at all times of passing and going over and along said road for the distance of one and a half mile each way from his place of residence without paying any toll or charge for himself, or any of his cattle, team, or property.

Sec. 28. If any toll-gatherer, agent, treasurer, or other person, to whom possession or custody any of the money of said corporation may come or be shall convert any of said money to his own use or make way with the same in any way he shall be deemed guilty of embezzlement. The neglect or refusal of any such person to pay over on demand to such company, or their agent, any money in his custody or possession belonging to such company, shall be deemed *prima facia* evidence that he has embezzled the same.

Sec. 29. The directors that may contract any debt over and above the amount of stock secured, shall be individually liable in their individual capacity for the payment of all dues to laborers for work done upon said road which shall not have been paid when due by the company in its corporate capacity.

Sec. 30. The legislature reserves the right to repeal this charter when any of its provisions are violated but if repealed the several stockholders shall receive the assets in proportion to their stock paid to said company.

CHAPTER CCLV.

An act to amend an act entitled "An act to amend the charter of the Milford and Columbus Railroad Company."

[APPROVED, JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time for the commencement and completion of said railroad is hereby extended two years from and after the times specified in the act to which this is an amendment.

This act to be in force from and after its passage.

CHAPTER CCLVI.

An act to amend an act entitled "An act to locate a State road in the counties of Decatur Jennings, and Bartholomew," approved January 5, 1849.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That nothing in the act, to which this is an amendment, shall be so construed as to deny to the board of commissioners of either of the counties through which said road may or does pass, from having and exercising over such portions of said road lying in their respective counties, full jurisdiction in re-locating, vacating, or otherwise controlling said road as fully as if the said road was a county road.

Sec. 2. Said boards or either of them if they deem it expedient, may vacate so much of said road as lies in their respective county or counties.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CCLVII.

An Act to incorporate the Kossuth Bridge Company.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders pursuant to the provisions of this act, be and they are hereby constituted a body corporate and politic, by the name of the "Kossuth Bridge Company," and by that name may sue and be sued, either in law or equity, in any court having jurisdiction of the subject matter in controversy; and said company shall have authority to make such by-laws, rules, and regulations not inconsistent with the constitution and laws of this State and the United States, as shall from time to time be found necessary to promote the objects and interests of said company.

Sec. 2. That Martin Hale, Jesse Purcell, Thomas Shine, John T. Alexand, and James N. H. Allison, or any of them, are hereby authorized to procure and open a book for the subscription of stock, in shares of twenty dollars, payable as may be deemed most proper for the advancement of the objects of said corporation.

Sec. 3. The capital or stock to be subscribed for and taken to

carry out the objects of said corporation, shall be determined by the persons opening the books for such subscription, but shall not be appropriated to any other purpose.

Sec. 4. As soon as the sum determined upon shall have been subscribed, the person or persons having the books centaining the same in his or their possession, shall call a meeting of such subscribers at such place as they may designate, by posting up three notices in the most public place in the neighborhood of Martin Hall's in Clay county, Indiana, for ten days; and said subscribers, when thus convened, or a majority of them shall choose out of their own number, five directors, to serve as such for one year and until their successors are chosen and qualified; and a majority of such directors shall constitute a quorum for the transaction of business, choose and appoint one of their own body president and another treasurer, and shall select from among the subscribers a secretary, for the transaction of the business of said corporation.

Sec. 5. The treasurer shall give bond to the acceptance of said directors for the faithful discharge of his office.

Sec. 6. The president of said corporation may bring suit in the name of the corporation against any subscriber failing to pay his subscription, in any court of competent jurisdiction, and such court shall hear and determine as other suits are heard and determined.

Sec. 7. The subscribers shall annually after their first election meet at such place as may be by them agreed upon, and choose directors, each subscriber being entitled in all cases to a number of votes equal to the number of his shares.

Sec. 8. No failure to choose directors shall cause a dissolution of said corporation, but those directors last chosen shall continue in office until others are chosen, and a majority of such directors shall have power to appoint from among the members of the corporation, persons to fill all such vacancies of directors as may occur from death, removal, or resignation.

Sec. 9. So soon as said corporation is organized by the choice of directors, such directors shall apply the stock subscribed in the erection and completion of a good substantial bridge across Eel river and the Wabash and Erie Canal at Kossuth, in Clay county, and State of Indiana.

Sec. 10. Whenever said bridge is completed, said corporation may erect a gate upon the same and demand and receive such tolls as may be provided for, from time to time, by the county board of commissioners of Clay county.

Sec. 11. Said corporation may have and use the writ of *ad quod damnum*, and all the benefits arising from the law, allowing the use of said writ for the purpose of having condemned the necessary quantity of ground for the erection of abutments, toll-houses, and necessary causeways and road to said bridge.

Sec. 12. After the erection of said bridge and gates, if any person shall wilfully injure the same, the person so offending shall forfeit and pay to said corporation treble the damage done, to be recovered by said corporation, by action of debt in any court of competent jurisdiction.

Sec. 13. If any person shall forcibly pass, or having passed over said bridge, shall fail to pay when demanded the tolls fixed by said directors, as provided by this act, such person shall forfeit and pay treble the amount of said toll, to be recovered in like manner as provided by the twelfth section of this act.

Sec. 14. If any toll collector or receiver shall unreasonably delay or hinder any passenger at said gate, in his, her, or their passage over said bridge, or shall demand or receive more than the rate of tolls fixed upon by the directors, as in this act provided, he or she so offending shall forfeit and pay to the person so imposed upon the sum of three dollars, to be recovered by action of debt before any justice of the peace of the proper town or township.

Sec. 15. It shall be the duty of the said corporation to keep an accurate account of all expenditures in the construction, repairs, and management of said bridge, and also of all receipts of tolls; and at the end of each quarter after the completion thereof and after the payment of expenses, repairs, and management, strike and pay over dividends to subscribers, a report of which shall be made to the General Assembly of the State of Indiana whenever required.

Sec. 16. Said corporation shall so construct the said bridge across Eel river and the Wabash and Erie Canal, as not to interfere with the navigation of either, anything in this act to the contrary notwithstanding.

Sec. 17. The Legislature reserves the right to repeal, alter, or amend this charter.

Sec. 18. This act to be in force from and after its passage.

CHAPTER CCLVIII.

An act to amend an act entitled "An act to incorporate the town of Greencastle, in the county of Putnam," approved January 16, 1849.

[APPROVED JANUARY 19, 1850.]

Section 1. [*Be it enacted by the General Assembly of the State of Indiana,*] Whenever the lessee of any house, building, room, arbor, booth, tenement, or shed, shall be duly convicted of retailing spirituous liquor, or keeping therein a tippling house, in violation of any of the provisions of the fourteenth section of the above recited act of incorporation, or of renting the same to be used and occupied by another for such unlawful purpose, such lease or under lease or agree-

ment for the letting of such house, building, room, arbor, booth, tenement, or shed, shall, thereupon, become void and the owner or landlord may enter on the premises so let or used, and shall moreover be entitled to the same remedies to recover possession thereof, as are given by law in case of a tenant holding over after the expiration of his term, and no notice to quit in such cases, shall be necessary.

Sec. 2. The seventy-seventh section of chapter fifty-four, of the revised laws of this State, shall extend to cases of conviction before the mayor, for any offence, where his judgment may be final.

Sec. 3. Hereafter the recorder of said town, shall not be a member of the common council, or entitled to vote in their proceedings, except in cases of a tie, when he shall be presiding in the absence of the Mayor, nor shall the mayor be entitled to vote in the legislative proceedings of the council, except in cases of a tie. And for all writs and other process issued by the mayor, requiring the seal of the common council and, and for each certificate and seal, he shall be entitled to charge and receive twenty-five cents.

Sec. 4. That the 24th section of the said act of incorporation be so amended as that the common council may, from time to time, by ordinance for that purpose, change the time at which the list of taxable persons and property, shall be made out and delivered by the recorder to the treasurer, and also, the time by which said treasurer shall complete his collection for the year; and it shall moreover be the duty of said treasurer, in cases of persons about to remove from said town, who may owe any tax, and all persons failing to pay any tax, by the time fixed by the common council, to levy and collect the same, as in said section aforesaid, he might or should do after the first day of December, in each year; and it shall also be the duty of said treasurer, within thirty days from and after the time fixed for the collection of any tax, to make settlement with the recorder therefor, as county treasurers are or may be required to make settlement with the county auditor, and he shall also make quarterly reports to the common council, of the condition of the treasury, beginning at the regular session of March, in each year, and as much oftener as the common council shall order and direct.

Sec. 5. It shall be lawful for the common council to remove any nuisance, or to punish any person or persons for erecting and maintaining the same, within a half mile of said town, in the same manner they may or can do within said town, and all ordinances in relation to nuisances, in force in said town, shall be in force as fully within a half of a mile of the town boundary, as the same are or may be within said town.

Sec. 6. This act shall be in force from and after its passage.

CHAPTER CCLIX.

An act to vacate a certain road therein named.

[APPROVED JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the State road leading from Brookville to Harrison, as lies between the house of Allen Backhouse and David F. Cooley, be and the same is hereby vacated; *Provided*, That this act shall not effect the right of the public to the road down Big Cedar Creek, to the town of Rochester.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLX.

An act to repeal certain sections of an act therein named.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the 8th and 9th sections of an act, [entitled an act to amend an act, entitled an act] granting to the citizens of Madison and the town of Lawrenceburgh, a city charter, and also, all other acts amendatory thereto, approved January 25, 1847, or so much of said 8th and 9th sections of the above named act, as makes it necessary for any citizen of the city of Madison, to exhibit to the officers of any election, held for the purpose of electing any of the officers of said city, at the time he may tender his vote, a full receipt from the proper authority, for all taxes assessed and levied against him as a poll-tax, and against his property by said city, for the year next preceding the time of tendering his vote, or to swear or affirm that all such taxes have been fully paid by him; and so much as requires the inspector of said election, to compel any person offering to vote at any such election, as aforesaid, either to produce his proper tax receipt or to swear or affirm to the payment of his taxes, as in said sections is now required, be and the same is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCLXI.

An act to change the name of George Searle Stephens.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of George Searle Stephens, of Vanderburgh county, be and the same is hereby changed, and the said George Searle Stephens, shall hereafter be known by the name of James Causon.

Sec. 2. This act shall take effect and be in force from and after its publication in the Indiana State Journal.

CHAPTER CCLXII.

An act concerning the easement of the Valley Mills in Allen county.

[APPROVED JANUARY 21, 1850.]

WHEREAS, Owens and Brother constructed a mill dam across the channel of the Saint Marys River in the county of Allen in 1837, which creates the power that propels the machinery of the Valley Mills in said county, that said mills were erected at the cost of some twelve thousand dollars, and are the most convenient mills to a dense population occupying an area of more than one thousand square miles, and that said mills do all the grinding for said population: That Henry Dragge of said county, filed his bill, in the Allen Circuit Court, to abate said dam as a nuisance against John Honestine and the fee in the premises being in Charles Muldoon, was on his petition, by order of said Court, made a defendant to said bill; That said Muldoon answered the said bill under oath, and therein alleges, that the Owens built said dam at the request and instigation of all those proprietors whose lands could be, or are in any wise affected by said dam; that the Owens sold the premises to Depler who was a stranger in the county and a foreigner; that said Owens left the State, and as soon as they left, Dragge sued Depler in said Court for the maintainance of said dam, and recovered a judgment, that said Depler sold the premises to Honestine who was a stranger in the county and a foreigner, and Dragge brought a like suit in said Court against Honestine and recovered a judgment for the maintainance of said dam; that both Depler and Honestine were ignorant of the circumstances and authorities under which the said Owens built said dam; that the question of license from Dragge to the Owens to build said dam was not raised in either of said trials, the said Depler and Honestine not knowing the fact until after said trials, that said Dragge encouraged the said Owens to build said dam, that said two recoveries were fraudulent; that the only part of said Dragge's land affected by said dam is a quagmire of one or perhaps two acres of land which was irreclaimable before the erection of said dam, all of which appears to be true; that upon said two recoveries said Dragge predicates his right to said abatement; and that said Muldoon sets up said license and insists upon it as a bar to a decree, and that said dam does no actual injury to the land of the said Dragge:

AND WHEREAS, ALSO, It is the the policy of the State to encourage and protect, the developement and improvement of the water power of the country, for mills and other machinery, and the question of license being purely a question of law, and the law being solicitous to patronize grist mills, and to prevent all kinds of imposition and injury from confidence reposed in the acts and conduct or words of others: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Allen Circuit Court be and is hereby authorized and directed to suspend all further proceedings in a suit therein pending on the chancery side of the law, wherein Henry Dragge is complainant and John Honestine and Charles Muldoon are defendants, until the said Dragge by an action at law in said Court against the said Muldoon, shall establish the fact that the said Muldoon wrongfully and unlawfully maintained said dam to the actual and substantial injury of the said Dragge.

Sec. 2. That in case the said Muldoon fails on said trial at law to prove that said Dragge give a parole license to erect said dam, and also fails in said trial to prove that the maintainance of said dam does no actual or material injury to the land of said Dragge, then the said Muldoon is hereby authorised to petition for and sue out of said Court a writ of *ad quod damnum* against the said Dragge to have so much of his said land as may be materially and substantially injured by said dam condemned, and the damages thereof assessed to the said Dragge.

Sec. 3. That in case the said Dragge does not recover in said action at law or recover merely nominal damages, then and in that event, his said bill shall be dismissed at his costs, and should he recover vindictive damages in said action, then the said Court is hereby directed to suspend all further proceedings on said bill for the period of nine months from the rendition of the judgment, to enable the said Muldoon to avail himself of *ad quad damnum*, and that on the said Muldoon paying to the clerk of said Court, for the use of the said Dragge, the damage if any there be, assessed under said

writ to said Dragge such payment may be plead, by said Muldoon to said bill in bar of a decree in the premises of said bill.

Sec. 4. That the Secretary of State is hereby directed to forward to the clerk of the Allen Circuit Court a certified copy of this act.

Sec. 5. This act to take effect and be in force from and after its passage, and all laws coming in conflict with this act shall be repealed.

CHAPTER CCLXIII.

An act to incorporate the Covington Drawbridge Company.

[APPROVED, JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Adamson, Richard M. Nebeker, and George Nebeker, and such other persons as they may associate with them, be, and they are hereby constituted a body politic and corporate, by the name of the "Covington Drawbridge Company," and by such name shall be capable of suing and being sued plead and be impleaded, answer and be answered unto, in law and equity in all courts whatsoever.

Sec. 2. The said corporation may erect a bridge across the Wabash river at any point opposite the town of Covington, or its additions. The capital stock of said company shall not exceed the sum of thirty thousand dollars.

Sec. 3. When said bridge shall be completed, the said corporation may erect at either end a gate, and demand and receive the following rates of tolls: for two horses or oxen and wagon, twenty-five cents; for a three horse team and wagon, thirty cents; for a four horse or ox team and wagon, thirty-five cents; for each additional horse or ox attached thereto, five cents; for a single horse and wagon, or buggy, twenty cents; for a horse and rider, ten cents; for a person on foot, five cents; for a horse led or driven, five cents; for cattle, three cents per head; for hogs, two cents; for sheep, one cent; and in similar proportions to the foregoing rates, for any other animals or carriages.

Sec. 4. Said bridge shall be elevated to a sufficient height above high-water mark, to admit the free passage of flatboats under it, and shall be constructed with a draw of not less than sixty feet in such part of said bridge so that boats navigating the river can pass at low water.

Sec. 5. The said company shall cause to be stationed, during

such times as the Wabash river may be navigable for steamboats, a qualified person or persons whose duty it shall be to raise or otherwise to remove the draw in said bridge, when boats are approaching, by night or by day; and it shall be the further duty of said company to cause lights to be placed on each side of the said draw, when the river is so navigable, and should any avoidable or unnecessary delay occur, by neglect of these provisions, in permitting steamboats to pass up and down said river, the said corporation shall be subject to a fine of not less than ten nor more than three hundred dollars, for the benefit of the owner or owners, in an action of debt, before any court having competent jurisdiction.

Sec. 6. If any person shall wilfully injure said bridge, he, she, or they so offending, shall forfeit and pay to the corporation treble the amount it may cost to repair the same, with costs of suit, to be recovered in an action of debt before any court of competent jurisdiction.

Sec. 7. If any person shall forcibly pass the gate without having paid or tendered the legal rate of toll, he shall forfeit and pay to the corporation six times the amount of legal toll, to be recovered before any justice of the peace in Fountain county, with costs of suit.

Sec. 8. If any toll collector shall unreasonably delay or hinder any passenger at the gate, or shall demand more than the legal rate of toll, he shall forfeit for every such offence five dollars, for the benefit of the person so delayed or defrauded, to be recovered before any justice of the peace in Fountain county, with costs of suit.

Sec. 9. Said company shall commence the erection and construction of said bridge within one year from the passage of this act, and have the same fully completed within three years from the passage thereof; and should said company fail or refuse to commence or complete said bridge as by this section is required, then all the rights, privileges, and franchises hereby created shall be forfeited, and this charter become null and void.

Sec. 10. The legislature reserves to itself the right to alter or amend this charter whenever the interest of the public may demand it.

CHAPTER CCLXIV.

An act for the relief of George W. Potter, of Knox county.

[APPROVED DECEMBER 18, 1849.]

WHEREAS, At the August election, A. D. 1849, George W. Potter was, by the qualified voters of Knox county, elected assessor of said county, and received his certificate of election; AND WHEREAS, The said George W. Potter made a misconception of law, [and] failed to file his bond as such assessor, and take the oath of office as required by law: now, therefore, for remedy,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Potter upon filing bond, as required by law, to the acceptance of the board of county commissioners, and taking the necessary oath, on or before the first day of January, 1850, shall be authorized to discharge all the duties required to be performed by county assessors, as fully as though he had filed his bond and taken the oath of office on or before the first Monday in December, 1849.

Sec. 2. This act to be in force from and after its passage, and the Secretary of State shall transmit a copy of the same, duly certified, to the auditor of Knox county, whose duty it shall be, on the receipt of the same, to call a special meeting of the board of commissioners for the approval of said Potter's bond.

CHAPTER CCLXV.

An Act to incorporate the Trustees of St. Paul's Church and of St. Joseph's School Society of New Alsace, in Dearborn county, Indiana.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jacob Hettinger, Michael Philips, John M. Sturm, Landelin Herman, and Florrence Reil, and their successors in office for ever, are constituted a body politic and corporate, by the name of "The Trustees of St. Paul's Church of New Alsace."

Sec. 2. The said body politic and corporate is hereby invested with all the powers, rights, and privileges which are conferred by or under the second article of the twenty-fifth chapter of the Revised Statutes, passed at the twenty-seventh session of said General Assembly, upon churches or religious societies which have or may become bodies corporate and politic, according to the provisions of said article.

Sec. 3. Said trustees named in the first section shall hold their office and exercise the powers [above] granted until their successors shall be elected by the church or religious society now existing at said new Alsace under the name of "St. Paul's Church," according to the common usage of said church.

Sec. 4. The fee simple of any land not exceeding twenty acres, which has heretofore been purchased by said church or religious society, or conveyed to them or to any person for their use and benefit, is hereby vested in said trustees and their successors in office for ever, for the use and benefit of said church.

Sec. 5. That Martin Stahl, John Heinberger, Charles Jacger, Joseph Ege, Anthony Walliser, Jacob Hittinger, and Casper Maus and their successors in office for ever, are constituted a body politic and corporate by the name of "The Trustees of St. Joseph's School Society of New Alsace."

Sec. 6. Said school society shall be composed of such persons as are members of the voluntary association now existing at said town of New Alsace, under the name of "St. Joseph's School Society," and of such persons as shall hereafter be admitted into said society as members thereof.

Sec. 7. The time and mode of electing of trustees and of other officers of said society, and the mode and terms of admission of new members may be regulated by vote of a majority of said society present at any meeting of said society held after reasonable notice.

Sec. 8. The said trustees and their successors in office may adopt a corporate seal, may sue and be sued, contract and be contracted with, and exercise all the corporate rights and privileges conferred by or under the second article aforesaid upon societies which have or may become incorporated under the said article.

Sec. 9. The said trustees and their successors in office may acquire by purchase, gift, or devise real estate, not exceeding in value ten thousand dollars when acquired, and personal property, not exceeding in value twenty thousand dollars, and said estate or property may hold, convey, use or dispose of for the use and benefit of said society.

Sec. 10. It shall be lawful for said trustees to erect such building as they may deem necessary for educational purposes, to receive subscriptions of money or other articles of value to aid in erecting the same, to contract with persons sending to any school taught under their direction for tuition fees, and the payments of such subscriptions and fees, to enforce by suit or suits, to pass and change any by-laws not inconsistent with law for the regulation of its affairs or members, and collect by suit any moneys which may become due under the same, or for violation thereof, and generally

to do and perform such acts as may be necessary to establish and maintain a seminary of learning.

Sec. 11. This act shall be deemed a public act, and shall be in force from and after its passage.

CHAPTER CCLXVI.

An act to authorize a Company to construct the King's Ridge and Moore's Hill Turnpike.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John C. Moore, Ranna C. Stephens, William S. Eversale, William Olcott, Thomas Reccord, William Wheeler, and George W. Lane, of the county of Dearborn, and their associates and successors, be, and they are hereby constituted, a body politic and corporate, under the name and style of "The King's Ridge and Moor's Hill Turnpike Company," and by that name may contract and be contracted with, sue and prosecute and be sued and prosecuted to final judgment and execution, in all courts having competent jurisdiction, and do and perform all other things lawful for such company to do, and they are hereby invested with all the powers and privileges in anywise necessary and expedient to carry into effect the proper business of association.

Sec. 2. The capital stock of said company shall consist of the sum of thirty thousand dollars, and said stock shall be deemed as personal property.

Sec. 3. *Be it further enacted*, That all the rights, privileges, power, and authority granted the Aurora and Laugherty Turnpike company, contained and embraced in sections Nos. 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, and 23, of "an act to authorize a company to construct the Aurora and Laughery Turnpike," approved February 15th, 1848, be, and the same are, hereby granted to the King's Ridge and Moore's Hill Turnpike company, and said sections are hereby made a part of this act.

Sec. 4. The commissioners may order an election of directors after ten thousand dollars is subscribed, if they consider it best for the interest of the company.

Sec. 5. The directors of said company shall have power to view, mark, locate, and construct a turnpike road from the Aurora and Laughery turnpike, near Farrah's branch, to Moore's Hill, in Dearborn county, following as near as may be consistent with the in-

terest of the company, the present road, after the summit is reached, on King's Ridge, and in the construction of said turnpike, said company may follow such plans, and use such materials, as they may deem most expedient, and may have the right to lay the same along, upon, or across any state or county road.

Sec. 6. This act is hereby declared to be a public act. This act to be in force from and after its passage.

CHAPTER CCLXVII.

An act for the relief of John M. Cook, of Knox County.

[APPROVED DECEMBER 24, 1849.]

Whereas, At the August election, A. D. 1849, John M. Cook, was duly elected Treasurer by the qualified voters of Knox county, received his certificate of election, and filed his bond, which was duly approved within the time required by law, but in consequence of the absence of said Cook, he did not take the official oath within the time required by law; Wherefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That said official oath of said John M. Cook shall be considered as having been taken and filed within the time required by law, and that all his official acts prior to the taking effect of this act, are hereby declared to be legal and valid, as though the said official oath had been taken and filed within the time required by law.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXVIII.

An act to amend an act entitled "An act to incorporate the city of Jeffersonville," and to enlarge the boundaries thereof.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the limits of said city of Jeffersonville, shall embrace all of the original plat of the town of Jeffersonville, and of the enlargement thereof, made by the Jeffersonville Association, and of lot number one, in the Illinois grant, so called in the county of Clarke, south of ninth street, according to the plat of said town, and enlargement published and placed of record in the Recorder's Office of said county, in 1839, bounded on the eastern and western lines by the boundaries of said number one, and co-extensive on the line of the Ohio river, with the limits and jurisdiction of this State.

Sec. 2. Whenever, in the opinion of the council of said city, it may be necessary and conducive to public health, business and convenience, to open any new street, lane, or alley in said city, or to extend, widen, enlarge, or remove obstructions in, or to carry out the plan of any street, lane, alley, public landing, square, place, or parcel of ground, and for the purpose of effecting any of the above objects, to take possession of, condemn and convert to the public use, any lot, lots, parts of lots, or blocks, or parcels of ground, the said council shall, by a resolution, declare the character, limits, and extent of such improvement, and that the same shall be made; whereupon, the mayor or president pro tem. shall cause a survey and plat thereof to be made, with the authority to enter the premises for the purposes of such survey, and to fix the metes and bounds thereof, and shall lay said plat before the council, who, if said survey and plat is, in their opinion and judgment, in conformity to their resolution, shall, by a majority of all the councilmen in office, declare the same established by the metes and bounds of such survey and plat. The mayor or president pro tem., shall then file a copy of said resolutions and plat, certified by the clerk, with the recorder or some justice of the peace of Jeffersonville township, with a list of all the owners of the lots, parts of lots, blocks, parts of blocks, and parcels of ground through and adjoining, which said survey and plat is made or covered thereby, so far as he can ascertain the same, and whenever he has not ascertained, or has any doubts of having ascertained the names of all such owners, describing the remaining owners as unknown, and the said recorder or justice shall thereupon, issue a summons to the marshall of said city, or any constable of said township, directing said owners to appear before him, at a certain place and time, not less, where none are unknown, than seven nor more than ten days from the date thereof, and previous to the day of trial, issue a venire for five disinterested householders of Clark county, selected by him for capacity, judgment, and impartiality in such cases, but residence or ownership of property in said Jeffersonville, shall constitute no objection, returnable at the same time and place, and said officer shall proceed to execute said processes, and in case any of said owners are returned by said officer "not found," the magistrate shall continue the hearing for not less than three nor more than five weeks, and immediately give notice to such person not found, and all others interested by publication thereof, in some public newspaper published in said city, if one shall be published therein, at the time, if not, by posting up such notice in five public places therein, for three weeks successively, and said venire shall be altered accordingly, or a new one issued as required, and whenever any part of said owners are described as unknown, said magistrate shall, in the first instance, fix the time and place as last herein designated, and proceed by publication as to such unknown owners, and such as are known to him, as non-residents with such further continuance as may be necessary to notify all the owners either personally or by publication, or posting, as herein designated. Upon the day of hearing designated, the magistrate shall proceed to empannel said jury, with the right of challenge for cause only, and having first sworn them faithfully and impartially to discharge their duties and to appraise and estimate the damages including value of the ground, buildings or other improvements in said survey and plat to each owner thereof, in the summons and notice described, shall give them in charge to examine the premises in person, and hear all the evidence and in case any of said owners are minors, feme coverts, insane persons, or unknown, shall appoint a relative, connexion, or guardian of such person under disability, or an attorney at law, to appear for and protect the rights of each of such persons and of all unknown; and said jury shall then proceed, without unnecessary delay, but with authority to adjourn from time to time, to any designated place in said city, to estimate and appraise the value of each and all the several parcels of ground, taking into consideration and reducing every estimate by the enhanced value of the lots or parts of lots or blocks, and parcels of ground remaining or otherwise belonging to such owner, in the vicinity of such survey, plat and proposed improvement caused thereby; and a majority of such jury may, if all do not agree, make and return the verdict, but said verdict shall be in writing, signed by such as agree thereto, and returned to said magistrate, noting thereon, the assessment and damages to each owner, and said magistrate shall, thereupon, enter up a verdict in favor of each of said owners, for such assessment against said city, and a general judgment for costs, and also a judgment condemning the several parcels of ground described in said plat, according to the copy on file with him, to the public use; and said parcels of ground shall thereby be condemned, dedicated, and converted to the use of the public vested in said city, and remain under her control forever, and the plat thereof, shall be placed on record in the

Recorder's office of said Clark county, within twenty days after said judgment by the mayor or president pro tem., in case said city shall not, within said twenty days, pay or satisfy said judgments, and all costs said magistrate shall make out a certified copy of each unsatisfied judgment, and file the same with the clerk of the circuit court for Clarke county, who shall issue an execution thereon, as in cases of judgments of said circuit court against said city, and the same shall be collected by the sheriff of said county, but the city shall proceed by its officers to open said street, lane, alley, square, landing place, or parcel of ground, remove the obstruction and carry out the improvements on the rendition of the judgment of condemnation by the magistrate, and no disability shall be allowed to feme covert, insane persons, minors, or persons unknown, or non-residents, thereafter to open or set aside such judgments, and the fees of jurors, witnesses, and officers, shall be the same allowed in the circuit courts, to the officers, jurors, and witnesses, for similar services in suits at common law.

Sec. 3. The reference to "part eighteen in section forty-nine," in the eighty-fourth section of said act of incorporation, by mistake for part nineteen, in said section, is hereby corrected and the same shall be held and read "part nineteen," in said section forty-nine.

Sec. 4. This amendment is declared a public act and shall be liberally construed in all the courts of this State, and be in force from and after its passage.

CHAPTER CCLXIX.

An act to enable Indiana Yearly Meeting of the religious Society of Friends to receive, hold, manage, appropriate, and dispose of property for religious, educational, charitable, and benevolent purposes.

[APPROVED JANUARY 4, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Robert Furnas, Eli Overman, John Pool, William Hobbs, John Maxwell, Thomas Evans, Elijah Coffin, James Stanton, Richard Hayworth, Jacob Elliott, George Evans, Joseph Cox, Henry Harvey, Francis Thomas, William Pearson, Thomas M. Sanders, Richard Pedrick, Aaron White, James Lindley, Eleazer Bales, Benjamin Fulghum, Jacob Hadley, Thomas Arnet, Luke Thomas, and Jessey Spray, together with all other members of Indiana Yearly Meeting of the religious society of Friends, who with their predecessors in religious faith have for more than twenty-five years past

held their annual or yearly meeting at White Water meeting house near Richmond in Wayne county, Indiana, be, and they are hereby invested with the power usually given to incorporate bodies, for the holding, receiving, managing, disposing, and appropriating of real and personal estate, for religious, educational, charitable and benevolent purposes, by the name of "Indiana Yearly meeting of the religious society of Friends," and shall have power to make and use a common seal, and the same to change and alter at pleasure, and that they and their successors being admittted and approved of as members of said Yearly Meeting according to their order and discipline, shall have perpetual succession, and be able and capable in law, to receive, hold and enjoy, by purchase, devise, gift, or otherwise, lands, tenements, hereditaments, goods, and chattels, estates and property of every kind, (not however exceeding the annual net value of twenty thousand dollars) of which they shall stand seized and possessed notwithstanding any misnomer or imperfect description in the gift, grant, or other transfer or conveyance thereof: *Provided*, the intent be evident, the said Yearly Meeting shall take the same, to use, manage, improve, or otherwise dispose of at their will and pleasure, to make and establish all such rules and regulations relative to the management of said property as they may deem expedient; *Provided*, the same are not repugnant to the laws of this State, or of the United States; and generally to do and perform all acts, matters and things, relative to the purpose aforesaid as a corporate body could by law have power to do and perform; *Provided, nevertheless*, that in every case which any donation, gift, devise, or bequest of any kind, has been made or shall hereafter be made to the said Yearly Meeting in trust for any particular object or purpose, the intent of the donor, or devisor, shall be forever regarded, and the donation, gift, devise or bequest, shall be forever used, employed, and appropriated to the full and faithful execution of the trust and the object and the purposes of the donation, gift, devise, or bequest according to the true intent and meaning of the donor or devisor thereof.

Sec. 2. *Be it further enacted*, That whenever said Yearly meeting at their annual or other meetings shall appoint a clerk, treasurer, trustees, committees, and other officers and agents, for any length of time they may deem expedient to act for them, or in their behalf, such clerk, treasurer, trustees, committees, and all other officers and agents which they the said Yearly Meeting shall or may appoint in the usual way and manner of appointing them, shall be considered and deemed their officers and agents under the provisions of this act, and they shall be constituted and empowered with all lawful authority to act for said Yearly Meeting, in accordance with its special orders and instructions to them directed, either in purchasing, disposing, and conveying, of all or any of its estate either real or personal, and in all other matters whatever contemplated by this act.

Sec. 3. *And be it further enacted*, That the said yearly meeting

of Friends are hereby authorized and empowered to vest in a clerk, treasurer, trustees, committees, or other officers, and agents, which the said yearly meeting may appoint from time to time, power and authority to manage and improve the estates and funds in the possession of said meeting for the use of religious, literary, moral, and benevolent institutions or objects, according to the directions given to them by the said yearly meeting of Friends, and subject always to such rules and regulations as the said yearly meeting, in their usual mode of transacting their business, may establish and direct.

Sec. 4. *And be it further enacted*, That all the estate and property of every kind now held and belonging to the said yearly meeting, either for their own use, or that which may be held by or for the use of any of its subordinate meetings within this State, or by any person in trust for the use of its boarding school, or for any and all religious, literary, charitable, or benevolent purposes, be and the same is hereby secured to them and their successors, and they are hereby authorized and empowered to hold, enjoy, and manage, and otherwise dispose of, and convey, all the estate and property so held according to the direction of the said yearly meeting, under the provisions of this act.

Sec. 5. *And be it further enacted*, That the said yearly meeting of Friends be and they are hereby authorized and empowered by virtue of this act to demand, take, hold, and manage all estates and property, and all bequests and devises, donations and annuities, principal, income, and interest, given to and for the use of said yearly meetings' boarding school, or to said yearly meeting itself, or to any person or persons in trust for the use and benefit of their said school, or for the use and benefit of any other literary, moral, religious, or benevolent institution, or other purpose of said yearly meeting. And it shall be lawful, and it hereby made the duty of all and every person or persons now having, or who may hereafter have the control, possession, or management of any estate or property, devises, bequests, donations, and annuities, whether they have the possession, control, and management thereof as trustees, executors, or administrators, or in whatever capacity they may have the same, to transfer, assign, and deliver to said yearly meeting, in their capacity as aforesaid, when required so to do, all and singular said estates, property, bequests, devises, donations, principal, income, and interest, or the amount and value of the same as may be agreed upon by the parties interested therein.

Sec. 6. *And be it further enacted*, That nothing in this act contained shall impair or alter, or in any way effect any of the usages, customs, orders, modes, and rules of discipline used and practiced by the said Indiana yearly meeting of Friends, or in their meetings for sufferings, or other subordinate meetings or branches of the said yearly meeting, touching their religious concerns, all of which usages, customs, modes, orders, rules, and discipline are reserved to them in the same way and manner and with the same effect as though this act had not been passed.

Sec. 7. *And be it further enacted*, That nothing contained in this act shall be construed to effect vested rights, or any question or dispute that has existed, or may now exist, in, or with the society of Friends with regard to any meeting-house, school-house, gift, fund, or any other property, real, personal, or mixed, but the same shall be held, or occupied, and enjoyed in every respect, and to all intents and purposes as though this act had not been passed.

Sec. 8. *And be it further enacted*, That the Legislature may at any time hereafter alter or amend this act, or limit or modify the powers herein granted, as may appear consonant with the public welfare, and consistent with vested rights.

Sec. 9. This act shall be deemed a public act, and shall take effect, and be in force from and after its passage.

CHAPTER CCLXX.

An act to incorporate the Bowling Green Manufacturing and Navigation Company.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Mills, Merryman Elkin, and Jesse Fuller, and their successors be, and they are hereby constituted a body politic and corporate, by and under the name and style of the "Bowling Green Manufacturing and Navigation Company," and by such name may contract and be contracted with, sue and be sued, plead and be impleaded, in the courts of law and equity in this State.

Sec. 2. That said company shall have power to hold, by donation or purchase, real estate not exceeding in value the sum of fifty thousand dollars.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, which shall be taken in shares of twenty-five dollars each.

Sec. 4. That as soon as fifteen hundred dollars of said stock is subscribed, said company shall be organized by the election of a president and secretary, treasurer, and five directors, by the stockholders thereof, every share being entitled to one vote in such election, and annually thereafter such election shall be held.

Sec. 5. Said stock shall be paid at such times, and in such amounts, and in such manner, as the president and directors of said company shall direct, and upon a refusal of any stockholder to pay the amount subscribed by him, the same may be recovered in an action of debt before any court of competent jurisdiction.

Sec. 6. In the management of the affairs of said company, the president and directors shall adopt such by-laws, not inconsistent with this act, as may become necessary.

Sec. 7. The stock so collected, as aforesaid, of subscribers, shall be appropriated as the president and directors of the company may direct, in the construction of such steam mills as may be necessary for manufacturing purposes, and in the construction of such steamboats or other water craft as may be used by said company in the navigation of the pool above the feeder dam on Eel river.

Sec. 8. The stockholders shall be liable, in their individual capacity, for the payment of all debts contracted by this company and not paid in its corporate capacity, and the Legislature reserves the right to alter or amend this charter.

Sec. 9. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXI.

An act to legalize the assessments of taxes of Tippecanoe county.

[APPROVED JANUARY 14, 1850.]

WHEREAS, It is represented to this General Assembly that the assessments of taxes and duplicates thereof in said county have been made by congressional townships, instead of civil townships, as required by law. For remedy whereof,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the assessment of taxes for State, county, road, and railroad purposes, in said county of Tippecanoe, heretofore made by the assessors by congressional townships, and the duplicates of such assessments be, and the same are hereby legalized, and declared to be valid for any and all purposes, and to the same extent as though such assessments and duplicates were made by civil townships, as required by law.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CCLXXII.

An act to amend an act incorporating the Michigan Road Company, approved January 13, A. D. 1845.

[APPROVED DECEMBER 27, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That section third of said act be so amended as to strike out the word nine, and insert five, and a majority of said five directors shall be a quorum for the transacfion of business.

Sec. 2. All that part of the Michigan road, as originally opened by the State, extending from the Wabash river south to the intersection of the present road as planked, be, and the same is hereby vacated.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CCLXXIII.

An Act for the relief of the Lawrenceburgh and Napoleon Turnpike Company.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time specified in said act for the completion of said turnpike shall be extended to the year 1856.

Sec. 2. It shall be lawful for said company to sell to any township through which the said road runs that part of the said road which lies in the township for the purpose of making it a free road.

Sec. 3. It shall be lawful for the said Lawrenceburgh and Napoleon Turnpike Company to make said road, or any part thereof of plank and earth; it shall be constructed of plank eight feet wide, and earth, stone, or gravel ten feet wide on one side of the plank, with a grade as high as the top of the plank.

Sec. 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Sec. 5. This act to be in force from and after its passage.

CHAPTER CCLXXIV.

An Act to legalize the return of the vote given for and against the School Law, in the county of Shelby.

[APPROVED JANUARY 14, 1850.]

WHEREAS, An act, entitled "An act to increase and extend the benefits of Common Schools," approved January 17, 1849, made it the duty of the inspectors of elections in the several townships in this State to certify the number of votes given for and against said school law to the county auditors of their respective counties at the same time required by law to make returns of the annual August elections: AND WHEREAS, At the last August election said school law was voted upon in the county of Shelby, and said several inspectors in said county did make and certify the vote so given to the clerk of the circuit court of said county, on the same day and time that they made return of the votes given for State and county officers at said August election, instead of to said county auditor: AND WHEREAS, The said clerk of the Shelby circuit court did afterwards certify to said auditor the vote given upon that subject so returned to him by said inspectors: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the returns by the several inspectors of elections in the county of Shelby, of the votes given in said county at the last August election for and against the school law, to the clerk of said county, instead of the county auditor, shall be deemed and is hereby made a sufficient return of said vote, and as valid and effectual in all respects as though said vote had been certified to the county auditor of said county of Shelby.

Sec. 2. All laws contravening the provisions of this act are hereby repealed.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CCLXXV.

An act to change the name of the Town of Springfield, in Hendricks county.

[APPROVED, JANUARY, 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the town of Springfield, in Hendricks county, State of Indiana, be, and the same is hereby changed to that of Springtown.

Sec. 2. That hereafter said town shall be known and designated by the said name of Springtown, and that all business for or on behalf of said town shall be done and transacted by the said name of Springtown, whether corporate or otherwise.

Sec. 3. That none of the rights, titles, privileges, or interests of any of the citizens of said town shall be in anywise affected by said change, but the same shall be held and enjoyed to all intents and purposes, as though said change had not been made.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXVI.

An Act to legalize the acts of Johnson Farley.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the acts and proceedings of Johnson Farley, as justice of the peace in and for the township of Jefferson, in Tipton county, State of Indiana, be, and the same are hereby legalized and made as effectual as the same would be if the said Farley had been a resident of said county one year previous to his election to such office of justice of the peace.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXVII.

An Act for the relief of Delila and Sylvester Conklin, of Wayne county.

[APPROVED DECEMBER 28, 1849.]

WHEREAS, John Kensler, late of Wayne county, died seized of certain real estate and personal estate to an amount of about three hundred and fifty dollars, without any known heirs: AND WHEREAS, On the 22d day of February, 1849, the day of his decease, in presence of two witnesses, requested that all his estate, real and personal, should descend to Delila and Sylvester Conklin, orphan children residing with him, but that said witnesses neglected to have said verbal will reduced to writing as required by law, wherefore, that the intention of said testator may be carried into effect:

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the estate, both real and personal, of which said John Kensler died seized, after the payment of his just debts, shall descend to the said Delila and Sylvester Conklin in equal shares, in fee simple, agreeably to the intention of said decedent expressed as aforesaid upon his death bed, and they are hereby declared to be seized and possessed of said estate, as of their own right, as fully as though said intention had been formally reduced to writing as is required by law regulating last wills and testaments.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXVIII.

An act incorporating the trustees of the Hartsville Academy.

[APPROVED JANUARY 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph Hiner, Christian G. Mench, jr., Jno. R. Morledge, Wilson Pottinger, Matthias M. Hook, Jno. Huffer, James Wood, William A. Ardry, Elias Huffer, Aaron Davis, John B. Abbot, Davis Huffer, Samuel D. Speers, A. C. Chamberlain, Joel Doolittle, Jos. F. Draper, Henry Bonebreak, L. S. Chittenden, Thomas Elrod, John Lopp, Even Snead, James Conner, Danvill Branham, J. M. D. Miller, Jos. Utter, William B. Witt, and Alexander Lony, and their

associates and successors in office, be, and they are hereby constituted and declared to be a body corporate and politic in law, by the name and style of "the trustees of the Hartsville Academy," and by that name and style shall have perpetual succession, and shall have power to fill any vacancies which may occur in their board by death, resignation, removal, or otherwise; they shall have power to make and use a common seal, and the same to alter or renew at pleasure; they shall be and are hereby made capable in law, by the name and style aforesaid, to purchase, receive by donation, possess, sell, lease, or otherwise manage or dispose of any lands, tenements, or other hereditaments, not exceeding at one time in value the sum of fifty thousand dollars, any moneys, notes, bonds, subscriptions, bills, goods, chattles, devises, or other property of whatsoever kind as they shall think proper for the use of the said academy; to contract and be contracted with, to sue and be sued, plead and be impleaded in any court or courts, before any judge, judges, or justices within this State, or elsewhere, in all manner of suits, complaints, pleas, causes, demands, and matters of whatsoever kind, nature, or form they may be, and every other thing therein to do, in as full and effectual a manner as any other body corporate or politic, of like nature, within the State may do.

Sec. 2. The said board of trustees shall hold their first meeting at some convenient place in the town of Hartsville, on the first Monday in April, one thousand eight hundred and fifty, at three o'clock P. M., or on any other day in said month of April to which they, or a majority of them shall agree; and seven of them being so met, shall constitute a quorum for business at the said first meeting [and] thereafter, which shall be annually, or oftener, as they shall determine by their ordinances. The said board, shall, at their first meeting, divide in such manner as they shall think proper, the members thereof into four equal classes, or as near thereto as may be, of which classes the first shall go out of office in one year from the day of the first meeting of said board, the second class in two, the third class in three, and the fourth class in four years, from the day aforesaid, and in the same manner afterward forever, so that one fourth of the whole number, or as near thereto as possible, shall go out of office annually: *Provided, however*, That the members of said board shall always hold their offices until their successors shall have been elected and qualified.

Sec. 3. The said trustees by this act incorporated, shall have power, at any legal meeting, to elect a president of their own body, a secretary, a treasurer, and such other officers as they shall think proper, whose terms of office and duties shall be such as the board shall appoint, and to remove the same; to ordain such by-laws, rules, and regulations not contrary to the constitution and laws of this State or the United States, as they shall deem necessary for their own government, and the same to alter, amend, or repeal; to found in the town of Hartsville, in this State, an institution for the education of the sons of this State, and of other States, of every

class and denomination, who shall resort to it, which institution shall be known by the name of "the Hartsville Academy;" to establish in the same departments or colleges, for the instruction of the students thereof, in any branch of liberal learning or professional education, and the promotion otherwise of sciences and arts; to determine the course of studies in all the departments of the said Academy; to appoint a president, professors, and other instructors therein as hey shall think proper, and to remove the same; which president and professors shall be known by the name of "the faculty of Hartsville Academy," and shall have power to conduct the instructions and government of the studies of said academy, subject to such ordinances as the trustees thereof may establish, by and with the consent of the trustees to grant all such degrees in the sciences and arts as are customary in other colleges, universities, or academies of the United States, and to give diplomas or certificates of the same, subscribed by the president and professors, and authenticated by the common seal of the academy: *Provided*, That no such degree shall be granted to any person who shall not have made such attainments as are usually required as a qualification for the same degree in other colleges, universities, or academies.

Sec. 4. This act is hereby declared to be a public act, and shall be liberally construed for the purposes hereby intended, and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same; nor shall any gift, grant, conveyance, or devise for the use of said academy, be defeated or prejudiced on account of any misnomer or informality whatever: *Provided*, The intention of the parties be shown beyond a reasonable doubt.

Sec. 5. The State reserves the right to alter or amend this act at any time: *Provided*, That no alteration shall be made which shall change or affect the fundamental principles or the objects for which the institution is founded.

Sec. 6. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXIX.

An act to amend "an act to incorporate the Henry County Turnpike Company," approved December 5th, 1848.

[APPROVED DECEMBER 28, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the 13th section of the act to which this is an amendment, as admits of all persons going to or returning from public worship, to pass on said road free of toll, be, and the same is, hereby so amended as to restrict said privilege to such persons only as are going to or returning from their usual places of public worship on the first day of the week, commonly called Sunday.

Sec. 2. That so much of the 7th section of the aforesaid act as prohibits any other than a citizen of the county through which said road passes, from being a director in said county, be, and the same is hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXX.

An act authorizing the vacation of a part of the State road leading from Fort Wayne to Lima, and for other purposes.

[APPROVED JANUARY 3, 1850.]

WHEREAS, The legislature has granted to the Fort Wayne and Lima Turnpike Company the privilege of constructing a turnpike road from Fort Wayne, in Allen county, to Lima, in Lagrange county: AND WHEREAS, Said road has been constructed by making a plank road along said state road, except where the same has been straightened, to shorten the distance between Wm. Mitchell's, in Noble county, to Fort Wayne; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of said state road as lies between said Mitchell's and toll-house No. 1, in Allen county, on which the line of said plank road had not been located, be, and the same is hereby vacated.

Sec. 2. Said Fort Wayne and Lima turnpike company shall have the benefit of the seventh, eighth, ninth, and fifteenth sections of the "act authorizing the construction of plank roads," approved January 15th, 1849, to as full an effect in regulating any difficulty which may arise between it and others interested, as though the said sections were incorporated in their charter, and the provisions of said sections shall in future be considered, and are hereby declared, a supplement thereto, and shall take effect and be in force from and after the passage of this act.

CHAPTER CCLXXXI.

An act to amend the act entitled "an act for the relief of the heirs of Louisa Jane Cassatt," approved January 22, 1848.

[APPROVED DECEMBER 28, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said decree of the Circuit Court of Marion county, rendered by consent of the parties recited in the preamble to the act to which this is an amendment, shall be binding and obligatory upon all the parties thereto, and their heirs, for all purposes whatever, and said deed, executed by the commissioners under the same, shall convey the estate of the said Edward R. Cassatt and Ann Cassatt, and their heirs, to the said James Jones and his heirs forever.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCLXXXII.

An act to authorize the trustees of the First Regular Baptist Church, of Crawfordsville, Montgomery county, Indiana, to sell land.

[APPROVED, JANUARY 12, 1850.]

WHEREAS, The Crawfordsville and Wabash Railroad company have located their depot in the town of Crawfordsville, in said State, immediately adjacent to the lot on which the house of worship of the First Regular Baptist Church in said town is situate, thus making it a very unsuitable place for a house of worship, and as said lot was a donation from the county of Montgomery to said church, for religious purposes, and as said church desire to sell the same, and apply the proceeds to the purchase of suitable ground for the erection of a church in some other place; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That David Long, James Montgomery, and Joel Lee, as trustees of the First Regular Baptist Church of Jesus Christ, on Sugar Creek, Montgomery county, Indiana, or their successors in office, be, and they are hereby authorized, to sell at such price as may be agreed upon, and to convey by sufficient deed of conveyance to the purchaser thereof, lot number one hundred, (100) on the original plat of the town of Crawfordsville, in said county, and apply the proceeds of such sale in the purchase of other property or the use and benefit of said church.

This act shall be in force from and after its passage.

CHAPTER CCLXXXIII.

An act to amend the charter of the Crawfordsville Female Institute.

[APPROVED JANUARY 14, 1850.]

WHEREAS, On the 24th day of February, 1840, the General Assembly of the State of Indiana incorporated the "Crawfordsville Female Institute:" AND WHEREAS, Said act, among other things authorized and empowered the trustees of said Institute to purchase, hold, bargain, and sell any property, real or personal, to them belonging, for the use and benefit of said Institute: AND WHEREAS,

The Trustees of said Institute have raised by subscription an amount sufficient to purchase, and have actually purchased, the following town lots in Crawfordsville, Indiana, to-wit: 6, 7, 8, and 9, in Canine's addition to the town of Crawfordsville: AND WHEREAS, The said Institute have not been enabled to raise an amount sufficient to organize said Institute on the plan proposed by said act of incorporation; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said trustees, or a majority of them, shall have full power and authority to make sale of said lots for the benefit of all the stockholders in said Institute, and that after the expenses of such sale are paid, the proceeds thereof shall be equally divided between said stockholders, in proportion to the amount respectively subscribed by each.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCLXXXIV.

An act to incorporate the Madison Gas-light Company.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of enabling the citizens of the city of Madison properly to light the same with gas, there shall be and hereby is created in said city a corporation, with perpetual succession, by the name and style of the "Madison Gas-light Company," with full power of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and with full power to acquire, hold, and enjoy all such real and personal estate, as may be necessary and proper for the construction, extension, and usefulness of the works of said company; and, for the management and good government of the same, they shall have a common seal and alter the same at pleasure.

Sec. 2. The corporation hereby created shall have and possess full (and saving and reserving to the city of Madison all rights under their existing charter,) power and authority for the period of thirty years to manufacture and sell gas to be used within the city of Madison, as it now is or may hereafter be enlarged, for the lighting of the said city and the streets thereof, and any buildings, manufactories, public places, or houses therein contained or situated, and

may erect all necessary works and apparatus for that purpose, and may lay pipes in and through any of the streets or alleys of said city for the purpose of conducting the gas along the same.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, which may be increased from time to time in the discretion of the directors of said company to one hundred and fifty thousand dollars, to be divided into shares of twenty-five dollars each; and so soon as thirty thousand dollars of the capital stock of said company shall have been subscribed, and either paid or secured to be paid to the satisfaction of the directors of said company, it shall be lawful to commence the construction of their works: *Provided*, That in no case shall stock be created as unappropriated or extra profits, nor for any other purpose than bona fidely to erect, extend, and carry on said works.

Sec. 4. The affairs of said company shall be managed by seven directors, of whom a majority shall constitute a quorum; and until an election is held James F. D. Lanier, Caleb T. Lodge, Jesse Whitehead, Abijah W. Pitcher, David White, Jonathan Fitch, and Michael G. Bright, shall constitute the board of directors.

Sec. 5. The said directors may cause books to be opened for the subscription of stock at such times and places in the city of Madison, and under such regulations as they may think proper, after having given ten days' notice thereof in some one or more newspapers published in said city.

Sec. 6. So soon as thirty thousand dollars in stock is subscribed, and either paid or secured, to the satisfaction of the existing directors, to be paid, it shall be the duty of the directors to give ten days' like notice as aforesaid of an election, and they shall appoint a time and place in said city for the stockholders to meet and elect seven directors; no person shall be a director that is not a stockholder in said company; each share of stock shall be entitled to one vote, to be given by the holder in person, or his or her father, mother, guardian, trustee, husband, administrator, executor, agent, or proxy, the election shall be by ballot, and shall be conducted under the supervision of such person or persons as the directors may designate; and the persons having the highest number of votes shall be elected, and shall hold their offices for one year, and until their successors are elected; and annually thereafter on the first Monday of May there shall be an election held for directors of said company, of which the existing directors shall give at least ten days' like notice as aforesaid, and such election shall be conducted as prescribed above: *Provided however*, That no failure to hold a regular election shall operate as a forfeiture of charter.

Sec. 7. Should any stockholder refuse or neglect to pay any subscription of stock or any installment, as it may be called for by the directors, the company may sue therefor and recover judgment for the same with ten per centum damages thereon.

Sec. 8. The directors of said company shall appoint one of their number president, and they may appoint and employ such other

agents and servants as they may deem necessary to carry into effect this act, they shall keep a record of their proceedings, in which shall be entered all the rules, by-laws, and orders of said company; [they may sit on their own adjournments,] and may meet on the call of the president, or any three of the directors; and they shall fill all vacancies that may happen in their body until the next regular election.

Sec. 9. Certificates of stock, signed by the president and secretary, shall be issued to the stockholders as evidence of their stock in said company, and the stock shall be transferred on the books of said company in pursuance of such rules as the board of directors may adopt.

Sec. 10. The directors of said company shall have power to make such rules and by-laws for regulating the concerns of said company and respecting the management and disposition of the stock, property, and estate of said company, and the duties of the officers, artificers, and agents, to be employed, as they think necessary and proper.

Sec. 11. It shall be lawful for the city of Madison to subscribe to the capital stock of said company, an amount not exceeding fifteen thousand dollars, and afterwards to purchase and hold any amount of said stock, and the same to dispose of again at pleasure.

Sec. 12. If said company shall so construct their works or suffer them to get out of repair that they become a nuisance, said company may be indicted in the Jefferson circuit court, and on conviction may be fined in any sum not exceeding one thousand dollars. That process against said company on indictment shall be a summons and served as process in civil cases.

Sec. 13. If any person shall wantonly or maliciously destroy or injure the pipes or any of the fixtures or apparatus of said company every person so offending shall be liable to indictment in the Jefferson circuit court, and on conviction may be fined in any sum not exceeding five hundred dollars, or fined and imprisoned at the discretion of the jury trying the cause, besides being liable civilly to said company for damages sustained.

Sec. 14. This act shall be deemed and taken to be a public act and shall be in force from and after its passage. And the legislature reserves the right to alter, amend or repeal this charter or any portion thereof at pleasure.

CHAPTER CCLXXXV.

An act to incorporate the Trustees of the Indianapolis Collegiate Institute.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Blake, James M. Ray, William Sheets, Thomas H. Sharp, and Isaac Coe, and their associates and successors in office, be, and they are hereby created a body corporate and politic, by the name and style of "The Trustees of the Indianapolis Collegiate Institute," and that they have full power to make and use a common seal, to sue and be sued in law, to purchase, receive, and hold, sell and convey, any property, real or personal, not exceeding at any one time fifty thousand dollars in value; and may, from time to time appoint and remove their own officers and such officers and teachers of the Collegiate Institute under their care, and confer such rewards and degrees for merit as they shall deem expedient.

Sec. 2. The trustee herein first named shall call a meeting of the trustees, when they shall appoint a president, secretary, and treasurer, who shall hold their offices until others are appointed to supply their place.

Sec. 3. The First Presbyterian Church of Indianapolis shall under such regulations as the members thereof shall establish from time to time, elect the trustees of said Collegiate Institute, who shall hold their offices until others are chosen to supply their places, and said church may increase or diminish the number of trustees.

Sec. 4. This act is hereby declared to be a public act, to be construed favorably for the objects intended, and shall take effect from and after its passage.

CHAPTER CCLXXXVI.

An Act to locate a State road from West Franklin, in the county of Posey, to Evansville, in the county of Vanderburgh.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Urbin Mars and Hiram Cassalbirg, of Posey county, and Ezekiel Sanders, of Vanderburgh county, be, and they are hereby appointed and constituted commissioners to view, mark, and locate a State road, commencing at West Franklin, in Posey county,

thence to Evansville, in Vanderburgh county, running on the most direct line and best and nearest route.

Sec. 2. That the said commissioners, or any two of them, on the first day of March next, or as soon thereafter as may be convenient, shall meet at the most convenient point on said line of road, and after taking an oath or affirmation faithfully to discharge their duties as such commissioners, shall proceed to view, mark, and locate said road upon the route as proposed in the first section of this act, or as near thereto as the ground will permit; and said commissioners shall be governed by the laws now in force, except so far as this act conflicts therewith.

Sec. 3. The said commissioners may employ a surveyor and other persons as they may need in locating and marking out such road; and they shall make a full report of their proceedings, together with a description of said road, its commencement, courses, and distances, and termination to the boards of commissioners of the counties of Posey and Vanderburgh at their sessions next after the location of said road, whereupon said boards shall declare said road a public highway of the width of forty feet.

Sec. 4. Said commissioners shall each receive for their services one dollar and fifty cents per day; and such other persons as they may employ shall receive such sums as said boards may allow, the same being a reasonable compensation, all of which expenses so incurred shall be borne and paid in equal proportion, according to the distance which said road may run in each county.

Sec. 5. This act shall take effect and be in force from and after its passage. And it is hereby made the duty of the Secretary of State forthwith to cause to be filed in the offices of the auditors of said counties of Posey and Vanderburgh duly certified copies of this act.

CHAPTER CCLXXXVII.

An Act to repeal an act, entitled "An act to vacate a certain road in the county of Switzerland," approved Jan. 17, 1849.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled "An act to vacate a certain road in the county of Switzerland," approved January 17, 1849, be, and the same is hereby repealed, and the road specified in said repealed act is hereby declared to be a public highway, and shall be continued and used as such, and shall be kept in repair as other roads and highways are.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXXVIII.

An act to locate a State Road in Morgan and Owen counties.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Ephraim B. Chenoweth and Scott W. Young of Morgan county, and Francis K. Porter, be and they are hereby appointed commissionors to view, mark, and locate a State road, commencing where the Monrovia and Gosport State Road crosses the line dividing the counties of Morgan and Owen, near Porter's Mill; thence running north on said line (or as near thereto as may be, doing as little injury as possible to the improvements made on said line) through the lands of Francis K. Porter, Scott W. Young, heirs of John Skelton, Cassius Edwards, John Brown, heirs of Isaac Skelton, heirs of David Gibbens, Levi Whitaker, jr., Andrew Evans, heirs of Kenner S. Whitaker, and Ephraim B. Chenoweth, to the Martinsville and Millgrove State Road at a point about forty rods north of the north-east corner of section sixteen, township twelve north, of range two west.

Sec. 2. The said commissioners or a majority of them shall meet at the place of commencement above described on or before the first Monday of July next and proceed to view, mark, and locate said road as provided in the first section of this act, and in all their proceedings relating thereto shall be governed by the laws now in force regulating the laying out and establishing highways in this State.

Sec. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CCLXXXIX.

An act for the relief of Sylvester P. Morgan and Benjamin Fuller of the county of Clarke.

[APPROVED JANUARY 21, 1850.]

WHEREAS, It is represented that John Peter Smith was most cruelly murdered in the streets of the city Jeffersonville in Clarke county; AND WHEREAS, the said Sylvester P. Morgan and Benjamin Fuller were very active in ferreting out and bringing to justice the perpetrators of said murder, and in that service were at great expense of both time and money, a remuneration for which service the law makes no adequate provision: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be paid to said Sylvester P. Morgan and Benjamin Fuller out of any money in the Treasury not otherwise appropriated the sum of seventy-five dollars.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXC.

An act to authorize the Jeffersonville Railroad Company to issue and secure the payment of Bonds.

[APPROVED DECEMBNR 29, 1849.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Jeffersonville Railroad Company be, and they are hereby vested with full power and authority to negotiate any loan or loans of money on the credit of the company, to issue and sell the bonds of said company, in such form and in such amounts, and payable in such times and places with interest annually or semi-annually as the Board of Directors may deem proper, and for the interest of said company; the proceeds to be used in the purchase of iron, cars, locomotives, and in the construction of the road and necessary appendages; *Provided*, That no Bond or scrip shall be issued of less denomination than one hundred dollars.

Sec. 2. They may pledge the property and income of said company and secure the payment of such bonds by deed of trust; and may grant in such deed authority to sell said road and all the property, income and effects of said company and to transfer the same

to the purchaser for the purpose of discharging the principal and interest of such bonds and on such conditions and upon such notice as shall be declared in the deed of trust; and the purchaser shall have and enjoy all the rights, privileges and franchises granted to said company under the charter and its various amendments subject to the restriction and liabilities stipulated therein.

Sec. 3. Said company may enforce the payment of any instalment or portion of instalment of stock subscribed, by action of debt or assumpsit before any court or officer of competent jurisdiction, when the owner of such stock shall have neglected or refused to pay any instalment or call thereon for the space of sixty days after notice of such call shall have been published, and it shall be collected without relief or benefit of any stay or valuation laws.

Sec. 4. This act and the acts and amendments heretofore passed incorporating said company shall be deemed public acts, and shall be favorably construed for all beneficial purposes, and this act shall take effect and be in force from and after its passage.

CHAPTER CCXCI.

An act to incorporate the "Eel River Bridge Company."

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders, pursuant to the provisions of this act, be and they are hereby made a body politic and corporate, by the name of the "Eel River Bridge Company," and by that name, may sue and be sued, and shall have authority to make such by-laws, rules and regulations, not inconsistent with the laws of the United States, or of this State, as shall, from time to time, be deemed necessary to promote the object and interest of said corporation.

Sec. 2. That Aaron Hubbell, Abijah Hubbell, and J. W. Noe, or any of them are hereby authorized to procure and open a book for the subscription of stock in shares of ten dollars, payable as may be deemed most proper for the advancement of said corporation.

Sec. 3. So soon as the sum of $1000 shall be subscribed, the person or persons having possession of said book containing the same, shall call a meeting of such subscribers, giving notice of the time and place thereof, by posting up a written advertisement at six of the most public places in the vicinity of the site of the contem-

plated bridge, hereinafter mentioned, at least ten days before the day fixed for such meeting. And said subscribers, when convened, shall choose out of their number, five directors, who shall serve as such for one year, and until their successors shall be elected and qualified.

Sec. 4. And a majority of said directors shall constitute a quorum for the transaction of business. Shall choose one of their number president of their body, and may choose such other officers as they may think necessary, for the proper and efficient transaction of the business of said corporation.

Sec. 5. The capital stock of said corporation shall be fixed by said directors, at an amount sufficient to build a substantial bridge across "Eel River," at a point hereinafter named, but which amount shall not exceed the sum of thirty-five hundred dollars. And all of said stock, as fixed by said directors, shall be subscribed before the building of said bridge shall be begun.

Sec. 6. The subscribers shall annually, after their first meeting, meet at such places as may be, from time to time, agreed on, and shall, at such meetings, choose directors, each subscriber being entitled, in all cases, to one vote for each share of stock he may have in said capital stock of said corporation.

Sec. 7. The president of said corporation may, in the name of the same, bring suit against any subscriber failing to pay his subscription, in any court having jurisdiction of the subject matter, and such court shall hear and determine the same, as other cases are heard and determined.

Sec. 8. The failure to choose directors, shall not work a dissolution of said corporation, but the directors last elected, shall continue to serve as such, and shall remain in office until others are chosen, and a majority of said directors shall have power to appoint from amongst the members of the corporation, persons to fill all such vacancies of directors, as may occur from death, removal, or otherwise.

Sec. 9. When said bridge shall be completed, said corporation may erect a toll-gate upon the same, and may demand and receive such rates of toll as the directors may fix. And such rates of toll shall be made out and entered in the books of the corporation, and a copy thereof, shall be posted up at the toll-gate of said bridge in a conspicuous place.

Sec. 10. And a copy of said entry of tolls shall also be filed in the office of the clerk of the Owen circuit court, and also a copy thereof in the office of the clerk of the Green circuit court; and said rate of tolls shall not be altered until written notice thereof shall be given to the public in the manner above provided, at least one month before the same shall be so altered — that is to say, by posting up a written notice of the rate to which the tolls shall be changed at the toll-gate of said bridge, and by transmitting a copy thereof to the clerks of each of the courts aforesaid, which notices shall also contain the time at which the alteration of tolls shall take effect.

Sec. 11. After the erection of said bridge, if any person shall wilfully injure the same, the person so offending shall be fined before a justice of the peace treble the amount of the damage done, and shall pay to the company the amount of the damage done, which may be recovered by action of debt before a justice of the peace having jurisdiction thereof.

Sec. 12. And if any person shall forcibly pass, or having passed over said bridge, shall refuse to pay the toll fixed as aforesaid, such person shall be liable to pay the same, may be sued therefor before any justice having jurisdiction thereof, by action of debt: *Provided*, The said tolls shall have been demanded of such person; and the person legally demanding such tolls shall be a competent witness for the corporation on the trial of such cause, whether he be a stockholder or not in said corporation.

Sec. 13. If any toll collector or receiver shall unreasonably delay or hinder any passenger at said gate in his, her, or their passage over said bridge, or shall demand or receive more than the rate of toll fixed as aforesaid, the person so offending shall forfeit and pay to the person or persons so imposed upon the sum of three dollars, to be recovered by action of debt, before a justice of the peace of the proper township.

Sec. 14. It shall be the duty of the said corporation to keep an accurate account of all the expenditures in the construction and repairs of said bridge, and also of all the receipts for tolls; and at the end of each year after the completion thereof, and after the payment of expenses for repairs and management, strike and pay over dividends to subscribers, a report of which shall be made to the legislature of this State whenever required; and the legislature reserves the right to restrict said corporation, at any session after said bridge is completed, as to the amount or rate of tolls to be charged for crossing the said bridge.

Sec. 15. Said bridge shall be constructed at or near the mill formerly owned by Isaac Hubbell, situated on Eel river, in the county of Owen, and shall be so constructed as not to interfere with the ford at said point, or with the navigation of said stream in any other way than is now authorized by law.

Sec. 16. Nothing in this act contained shall authorize the said company in any way to obstruct the navigation of said river, and said company shall not charge tolls exceeding the following rates, to-wit: man and horse, five cents; every four wheeled carriage, drawn by two horses, ten cents; for each additional horse or ox attached to the carriage, three cents; for every cart, sleigh, sled, or cutter, drawn by one horse, five cents; for every cart, carriage, sleigh, or sled, or other vehicle, drawn by two horses, ten cents; for each horse, mule, or ass, three cents; for each head of neat cattle, one cent; for every sheep or hog, one-half cent; for every foot passenger, two cents; and in all analagous portions of the forego-

ing rates, for any other animals and carriages; but all funeral processions, and persons going to and returning from public worship, shall be exempt from paying toll.

Sec. 17. This act to be in force from and after its passage.

CHAPTER CCXCII.

An act to authorize the Superintendent of the New Albany and Vincennes McAdamized Road to pay the Attorney's fee in the case of Clendennin vs. Frazier, in the Supreme Court.

[APPROVED JANUARY 19, 1850.]

WHEREAS, A suit was heretofore instituted in the Orange Circuit Court, by John G. Clendenin, and against John Frazier, as Superintendent of the New Albany and Vincennes McAdamized road, and which suit was by Clendenin taken to the Supreme Court of the State, and has there been decided: AND WHEREAS, The said Frazier, as such Superintendent, employed James Collins, jr., Esq., attorney at law, to defend him in said cause in said Supreme Court, compensation therefor should be paid out of the tolls of said road; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Collins, jr., be allowed fifty dollars, for his professional services as attorney in the Supreme Court of the State, in the cause of Clendenin against Frazier, as Superintendent of the New Albany and Vincennes McAdamized Road, and the Superintendent of said road is hereby authorized and directed to pay the same out of any moneys in his hands belonging to said road.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXCIII.

An act to vacate certain streets and alleys in Jeffersonville.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of Seventh Street and Locust Street, in the town of Jeffersonville, in the county of Clark, as separate blocks numbers sixty-seven, sixty-eight, seventy-seven, and seventy-eight, as also the alleys laid out in said blocks, be, and the same are hereby vacated, and the ground so vacated shall vest in the owners of the adjacent land.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXCIV.

An act for the relief of Nancy C. Barrow, of Jefferson county.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the Jefferson Circuit Court, on the hearing of the application for a divorce of Nancy C. Barrow from her husband Abraham Barrow, to allow as competent the declarations or admissions of said Abraham Barrow, of ill treatment of his said wife, and the court is hereby authorized, if the proof shall be deemed sufficient, to decree a divorce with or without other proof than such admissions.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXCV.

An act to locate a State road in the County of Washington.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry B. Hamersly, Robert A. Campbell, and Thomas W. Green, of the county of Washington, be, and they are hereby appointed commissioners to view, mark, and locate a state road, beginning at or near Mt. Carmel, in Washington county, running thence by the nearest and best route, until it intersects the New Albany and Vincennes Turnpike road, at or near Fredericksburg.

Sec 2. The commissioners aforesaid, or a majority of them, after taking an oath for the faithful discharge of their duties, shall, on or before the first day of May next, or so soon thereafter as they may agree, proceed to view, mark, and locate said road on the nearest and best route: *Provided*, Said road shall not be located through any person's farm without consent: *And provided further*, That said road shall not be laid out nor occupy more than forty feet in width.

Sec. 3. Said commissioners are hereby empowered to employ such assistance as they may deem necessary for the location of said road, who shall receive for their services from the county treasury of Washington county, the amount which may be allowed and directed by the board doing county business in said county.

Sec. 4. Said commissioners shall file a report of their proceedings within thirty days after the location of said road, in the Auditor's office of said county.

Sec. 5. This act shall be in force from and after its passage, and it is hereby made the duty of the Secretary of State to transmit a certified copy of the same to the Auditor of Washington county.

CHAPTER CCXCVI.

An act to authorize the Board of Commissioners of Daviess County to compromise certain actions now pending against the securities of Friend Spears, late Treasurer of said County.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Daviess county, be, and they are hereby empowered and authorized, to compromise and compound with the securities of Friend Spears, late Treasurer of said county, the several suits and actions now pending for the use of the said board of commissioners, for such sum or sums, and in such manner, as the said board may in their discretion, deem proper for the interests of said county.

Sec. 2. *Be it further enacted*, That the said board, in making said compromise and composition with said securities, may in their discretion allow such time for, and assent to, such mode of payment of such sum or sums that may be agreed upon as a composition, as said board may consider equitable.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CCXCVII.

An act to incorporate the White River Railroad Company.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Judah, Abner T. Ellis, and William R. McCord, of the county of Knox, Stansford Stalkup, Samuel R. Cavens, John Jones, jr., Andrew Downing, John B. Stropes, Richard H. Rousseau, John Burch, Elisha P. Cushman, and Joseph Shelton, of the county of Greene, David Byers, Eli P. Farmer, Joseph McPheters, John S. Watts, and R. C. Hamill, of the county of Monroe, in the State of Indiana, and their successors, and all the stockholders in the company by this act constituted, be, and they are hereby constituted a body corporate and politic, by the name of the "White River Railroad Company," and shall be and remain such body corporate forever, and as such may sue and be sued, either in law or equity, and make and use a corporate seal, and alter the same at pleasure, and buy, hold, and sell real and personal estate of every kind necessary

to carry out the objects of the said company, or to secure or collect the debts of said company, make any and all kinds of contracts, and enforce the same, make and enforce by-laws, make and execute all and every kind of conveyance of real estate, writings obligatory, or other writings, in and about the business of said company, as fully to all intents and purposes, and in every particular, as any individual might or could do, not inconsistent with the laws of this State.

Sec. 2. The purpose and object of this company, and of this act of incorporation, shall be the constructing and equipping, and using a railroad from the Wabash river, at or near Vincennes, by the way of Bloomfield, or near said town, in Greene county, to Bloomington, in Monroe county, upon the most eligible route in the opinion of said company, with such branch and lateral roads as shall be deemed necessary thereto; and for that purpose the capital stock of said White River Railroad company shall be any amount necessary to complete said work, and be fixed by the directors, and be at any time increased or diminished at the pleasure of said company, and each share of said stock shall be fifty dollars: *Provided*, That said branch and lateral roads shall not exceed twenty miles in length: *And provided further*, That it shall not be lawful for said company at any time to create any greater amount of stock than may be actually necessary for the construction or repairs of said road and branches: *And provided further*, That it shall not be lawful for said company to borrow any money upon the credit or other security of the corporation, for any greater discount or rate of interest thad twenty per centum.

Sec. 3. The board of directors of said company shall consist of nine persons, five of whom shall constitute a quorum, and be authorized to act for said company, and do any and all business thereof. Said board shall elect a president of said company, either from their own number or from among the stockholders. Said directors and said president shall hold their office for one year, and until their successors shall be elected and qualified.

Sec. 4. As soon as $50,000 of the capital stock shall have been subscribed, it shall be the duty of the commissioners named in the first section of this act, to order and hold under their direction, an election for a board of directors of said company, of which election three weeks' notice shall be given in some newspaper on or near the line of said proposed road; and thereafter, such election shall be held annually; and at all elections, the person *then* owning any stock shall be entitled to vote on it, either in person or by proxy, and each share of stock shall entitle the holder or owner to one vote.

Sec. 5. Said railroad company shall be authorized to connect their said road with any other railroad or railroads, by contract with such other connecting road; to take and hold stock in, to aid in the completion thereof, and to run their engine or cars upon, any such connecting road or roads, and for that purpose, and for making,

completing, and executing any contract about the same, or any of the powers in this section granted, shall have all the power and authority of, and be authorized to do every act, matter, or thing which a natural person may do.

Sec. 6. That in the organizing of said company, the subscription for stock, the construction and use of the said road, and in all other matters, the said White River Railroad company shall have all the powers, immunities, rights, and privileges (not in this act otherwise provided) granted and pertaining to the Ohio and Mississippi Railroad company, by an act of the General Assembly which became a law on the 14th day of February, 1848, and the said act chartering the said Ohio and Mississippi Railroad company in every respect not herein otherwise provided, shall be, and the same is hereby to all intents and purposes made a part of the charter of the said White River Railroad company in this act incorporated.

Sec. 7. The legislature reserves the right to alter, amend, or repeal the rights and privileges conferred by this act whenever the public good requires it.

Sec. 8. This act shall be in force from and after its passage.

CHAPTER CCXCVIII.

An act for the relief of Mary Huffman.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it may be lawful for Mary Huffman, of Dearborn county, to file her bill in the Dearborn circuit court against her husband, John Huffman, for divorce, and make publication of the pendency of said bill for four weeks next preceding the first day of the term of said court in which said cause is set to be tried, in the Indiana Register, a paper printed at Lawrenceburgh, and on proof being made to the court of the publication as aforesaid, the court shall hear and determine said cause the same as if summons had been served by the proper officer on the said John Huffman.

This act shall be in force from and after its passage.

CHAPTER CCXCIX.

An act to legalize the sale of lot No. 85, in the Town of Wabash, Wabash county, Indiana.

[APPROVED JANUARY 21, 1850.]

WHEREAS, John G. Knight, administrator of the estate of John W Jones, deceased, late of Wabash county, did, in pursuance of an order of the Wabash probate court, sell to one Robert Helm, of the county aforesaid, as the property of said Jones, lot No. 85, in the town of Wabash, Indiana, for the sum of one hundred and one dollars, it being one dollar over the appraised value thereof: AND WHEREAS, Said sale and proceedings were, by the administrator aforesaid, reported to and approved by the probate court of said county: AND WHEREAS, It has since been discovered that in advertising the aforesaid lot for sale it was inadvertently described as lot No. 80, which has given rise to some doubts as to the validity of the title to lot No. 85: For remedy whereof,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sale of lot No. 85, in the town of Wabash, and State of Indiana, made by John G. Knight, of the county of Wabash, in said State, as administrator of the estate of John W. Jones, deceased, late of said county, to Robert Helm, on the 13th day of December, 1845, be, and the same is hereby legalized and confirmed.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCC.

An Act to incorporate the Mixerville Turnpike Company.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Noah Miller, Abram Jones, Aaron Nutt, Benjamin F. Miller, and John S. Garver, and their associates and successors be, and they are hereby created a body politic and corporate for the purpose of constructing a turnpike road, or a turnpike and plank road, from the Millville and Reily Turnpike Road, at the State line, by Mixerville, in Franklin county, to the Oxford and Connersville road at or near Miller's Mill, in Union county, and for said purposes

the provisions of an act, entitled "An act to incorporate the Centreville and Abington Turnpike," approved February 12, 1848, are hereby extended to them; and it is further provided, that whenever the words "Wayne," or "Abington and Centreville," occur in the act hereby extended, it shall be lawful and proper for the corporators hereby incorporated to supply their places with the words "Franklin *or* Union," or "Franklin *and* Union," instead of the word "Wayne," and instead of the words "Centreville and Abington," to use the word "Mixerville."

Sec. 2. It shall be lawful for the Mixerville Turnpike Company to construct their road upon any State or county road by first obtaining the consent of the county commissioners of the county in which such State or county road shall be located; and the Legislature reserves the right to alter or amend this charter whenever public good shall require it.

Sec. 3. This act to take effect from and after its passage.

CHAPTER CCCI.

An Act for the relief of the estate of Noah Noble, deceased.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of Marion county, Indiana, be, and it is authorized upon the petition of Winston P. Noble, by his guardian, with the consent of Catharine S. Noble, Alexander H. and Catharine M. L. Davidson, to order the sale of all that portion of the Noble farm lying west of the Peru and Indianapolis Railroad, in the city of Indianapolis, and which has already been platted.

Sec. 2. That that portion of the alley in said plat running north and south, lying between Ohio and Market streets, be so changed as to run parallel with the track of said railroad.

Sec. 3. That said sales may be at public or private vendue, as the court may order, and that the court shall order what portion of the purchase money shall be paid in hand, and in what time the residue shall be paid, not however to exceed one, two, three, and four years, and shall appoint a commissioner to make said sales and execute bonds and deeds according to the exigency of the case.

Sec. 4. That the proceeds of said sales shall be applied first to the payment of the debts of the estate of said Noah Noble, deceased; and secondly, the residue of said proceeds of said sales

shall be equally divided between the said Winston and Catharine M. L. Davidson, subject nevertheless to the provision made in said decedent's will for the maintenance of said Catharine S. Noble, and the maintenance and education of said Winston.

Sec. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCCII.

An act to incorporate the Point Commerce [Bridge] Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders pursuant to the provisions of this act, be and they are hereby constituted a body corporate and politic, by the name of the "The Point Commerce Bridge Company," and by that name, may sue and be sued, either in law or equity, in any court having jurisdiction of the subject matter in controversy; and said company shall have authority to make such by-laws, rules, and regulations not inconsistent with the constitutions and laws of this State, and the United States, as shall, from time to time, be found necessary to promote the objects and interests of said company.

Sec. 2. That James M. H. Allison, James Stalcup, and Thomas H. Messick, or any of them, are hereby authorized to procure and open a book for the subscription of stock in shares of twenty dollars, payable as may be deemed most proper for the advancement of the objects of said corporation.

Sec. 3. The capital stock of said company, shall not be less than five thousand dollars, and may be raised to any sum that the directors of said company, may hereafter determine.

Sec. 4. As soon as the sum of five thousand dollars shall have been subscribed, the person or persons having the book containing the same in his or their possession, shall call a meeting of said subscribers in Point Commerce, by posting up six notices in the most public places in Eel river, Highland, and Jefferson townships in Greene county, Indiana, for two weeks, or by publication thereof, for two weeks in some public newspaper of general circulation in said county; and said subscribers, when thus convened, or a majority of them, shall choose out of their own number, seven directors to serve as such for one year, and until their successors are chosen and qualified, and a majority of such directors shall constitute a quorum

for the transaction of business, choose and appoint one of their own body president, and another treasurer, and shall select from among the subscribers, a secretary, for the transaction of the business of said corporation.

Sec. 5. The treasurer shall give bond to the acceptance of said directors, for the faithful discharge of his duties as such treasurer.

Sec. 6. The subscribers shall annually, after their first election, meet at Point Commerce, and choose directors, each subscriber being entitled in all cases to a number of votes equal to the number of his or her shares in said stock.

Sec. 7. No failure to choose directors, shall cause a dissolution of said corporation, but those directors last chosen, shall continue in office until others are chosen, and a majority of such directors shall have power to appoint from among the members of the corporation, a person or persons to fill all such vacancies of directors as may occur from death, removal, resignation or otherwise.

Sec. 8. The president of said corporation may bring suit in the name of the corporation against any subscriber failing to pay his or her subscription in any court of competent jurisdiction, and such court shall [hear] and determine the same as other suits are heard and determined.

Sec. 9. As soon as said corporation is organized by the choice of directors, such directors shall apply the stock subscribed in the erection and completion of a good substantial bridge across the west fork of White River, at Point Commerce, in said county.

Sec. 10. Whenever said bridge is completed, said corporation may erect a gate upon the same, and demand and receive the following rate of tolls from persons crossing the same, to-wit: For two horses or oxen and wagon, fifteen cents; for a four horse or ox-team and wagon, twenty cents; for every additional horse or oxen attached thereto, two and one-half cents; for a single horse and buggy or wagon, ten cents; for a horse and rider, five cents; for a person on foot, two cents; for horses or cattle, led or driven, per head, two and a-half cents; for hogs, sheep, or calves, per head, one cent; and in similar proportions to the foregoing rates, for any other animals or carriages.

Sec. 11. Said bridge shall be elevated to a sufficient height above high water mark, to admit the free passage of flat boats under it.

Sec. 12. Said corporation shall have and use the writ of "*ad quod damnum*," and all the benefits arising from the law allowing the use of said writ, for the purpose of having condemned the necessary quantity of ground, for the erection of abutments, toll-houses, and necessary causeways and roads to said bridge.

Sec. 13. After the erection of said bridge and gates, if any person shall willfully injure the same, or either of them, the person so offending shall forfeit and pay to said corporation, treble the damage done, to be recovered by said corporation by action of debt, in any court of competent jurisdiction.

Sec. 14. If any person shall forcibly pass, or having passed

over said bridge, shall fail to pay when demanded, the tolls fixed by this act, such person shall forfeit and pay treble the amount of such toll, to be recovered in like manner, as provided in the thirteenth section of this act.

Sec. 15. If any toll-collector or receiver shall unreasonably delay or hinder any passenger at said gate, in his, her, or their passage over said bridge, or shall receive or demand more than the rate of toll fixed by this act, he or she so offending, shall forfeit and pay to the person so imposed upon, the sum of three dollars, to be recovered by action of debt, before any justice of the peace of the proper township.

Sec. 16. It shall be the duty of said corporation to keep an [accurate] account of all expenditures in the construction, repairs, and management of said bridge, and also, of all receipts for tolls; and at the end of each quarter of a year, after the completion thereof, and after the payment of expenses for repairs and management, strike and pay over dividends to subscribers, and shall make report to the General Assembly of the State of Indiana, whenever required.

Sec. 17. Said company in erecting the bridge, shall not in any way, obstruct the navigation of said river.

Sec. 18. This act to be in force from and after its passage, and the legislature reserves the right to grant other acts for similar purposes, at Point Commerce, whenever the public good shall demand such legislation.

CHAPTER CCCIII.

An act to incorporate the Presbyterian Female College in the county of Washington.

[APPROVED JANUARY 14, 1850.]

WHEREAS, It has been represented to this General Assembly of the State of Indiana, that the Salem Presbytery have determined upon establishing a Female Seminary or College institution within the bounds of said Presbytery to the support of which they are pledged to use their united efforts, and which college is forever to be conducted on the most liberal principles, accessible to all religious denominations, and assigned for the benefit of our citizens generally; AND WHEREAS, It has been represented that in consequence of liberal subscriptions, and donations made in the town of Salem and its vicinity, the healthfulness of the situation, and eligibility of the location for the convenience of a public institution, the Salem Presbytery have selected the town of Salem

in the county of Washington for the establishment of said Female College; AND WHEREAS, Such a seminary or college for female education so complete in its organization and system of instruction as to be regarded as a MODEL INSTITUTION, is an enterprise greatly needed in the State of Indiana: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That a Seminary of learning be, and the same is hereby established in the town of Salem in the county of Washington, and in the State of Indiana, to be known by the name of the PRESBYTERIAN SALEM COLLEGE, and to be under the care and control of the Salem Presbytery, and under the direction of five trustees, viz: James J. Brice, John H. Butler, and James P. Banta, of the county of Washington; James Brooks, of the county of Floyd, and Joseph P. H. Thornton, of the county of Crawford, who, with their successors, shall be trustees of said institution.

Sec. 2. That the said trustees and their successors in office, by the name and style of the Trustees of the Presbyterian Female College, shall be a body corporate, and may have, possess, purchase, receive, enjoy, and retain, hold or dispose of, for the use of said college, lands, tenements, rents, and annuities, in fee simple, and for a term of years, life or lives, and also, money, bonds, bills, notes, goods, chattels, interests or effects, of whatsoever nature, kind or quality, by the gift, bargain, sale or devise of any person or persons, body politic or corporate, capable of making the same, and the same to grant, alien, demise, sell, and convey, in such manner as they shall deem conducive to the interests of said college. This college not to hold a greater amount of real estate, exclusive of college edifices, than fifty thousand dollars.

Sec. 3. That the said trustees and their successors in office, under the name and style of "The Trustees of the Presbyterian Female College," as aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court, or courts of record, or justice's court, in this State, or elsewhere in all manner of suits and under all kinds of action. All the real estate, which by the passage of this act, the trustees are authorized to hold for the use of the said Female College shall be exempt from any taxation whatsoever, either for State, county, or township purposes, until otherwise directed by the Legislature.

Sec. 4. That the Salem Presbytery, or such other Presbytery, as may be formed out of the same by the assent of the Salem Presbytery shall fill all vacancies in the board of trustees as may occur by death, resignation, or otherwise, at the first meeting of such Presbytery after any vacancy may have happened; and the said Presbytery at its first meeting after the passage of this act shall appoint any number of visitors, not exceeding seven, who, or so many of them as shall convene, with the board of trustees, shall constitute a joint board in the permanent appointment of all officers of said college; and said visiters or so many of them as shall act,

shall report to the Presbytery, next succeeding their appointments the condition of said college, and whether it is conducted in conformity with its charter.

Sec. 5. That the said trustees shall have power to appoint annually from their own body, a president of the board, a treasurer and a secretary; and the treasurer so appointed shall give a bond with such security, and in such a penalty as said board of trustees shall approve, payable to the State of Indiana, for the use of said college, conditioned for the true and faithful discharge of his duties as said treasurer and for the safe keeping of all the moneys and other property of said college which shall be placed in his hands. And said treasurer shall not pay out any of said moneys, except upon the order of said president, countersigned by the secretary; and for any breach of said bond, said treasurer and his securities may be proceeded against as upon other official bonds in the proper connty in the State of Indiana, and the said treasurer shall annually, once or as much oftener as said trustees shall direct, render to them a true account of all funds in his hands and from whom received; and also of all amounts paid out, and to whom. And said trustees, shall have power, at any time, to remove said treasurer, and fill the vacancy by a new election. It shall be the duty of the secretary to keep accurate minutes of the proceedings of the board. It shall be the duty of the president to preside at all meetings of the trustees when present; in his absence the board shall appoint a president *pro tem.*

Sec. 6. That the said trustees and their successors shall have power to use a common seal, and alter the same at pleasure; and at a regular meeting of the board, when one or more of said visitors are present, to appoint permanently a president of said Female College, and such professors and instructors as may at the time be necessary for an efficient faculty for said institution, to be known and distinguished by the name of "The Faculty of the Presbyterian Female College." And the board at any meeting may appoint temporarily any of the foregoing faculty, in the absence of such visitor or visitors, until a regular meeting, at which one or more of such visitors may be present. And a majority of said five trustees, together with a majority of said seven visitors, may at any time in joint meeting, by a resolution to that effect, declare the appointment to office of any of the faculty void, and proceed to fill said vacancy at such joint meeting, or at any future meeting they may designate.

Sec. 7. That said trustees, and their successors in office, shall meet at least twice every year in stated semi-annual meetings to be appointed by their own ordinance, and at such other times as by their said ordinances they shall direct, for the purpose of transacting such business for the prosperity and welfare of the institution as may come before them in all such meetings; not less than three trustees shall be present to constitute a quorum for transacting business. A majority of said trustees shall be required to make, pass, and establish ordinances, rules, and by-laws, not contrary to the

constitution and laws of this State, for the government of said Female College and the proper education of its students, and by them to delegate to the president, professors, and other teachers, such powers and authorities as they may judge expedient for the wholesome government of the institution, and the said majority of trustees shall have full power at any legal meeting to alter or amend any rule or regulations by them established, and to do all the matters and things which they may deem expedient for the faithful fullfilment of their trust.

Sec. 8. That for the purpose of stimulating and encouraging the students in their progress, and promoting the general interests of the institution, the said trustees and faculty shall have full power and authority once every year, or oftener as they by an ordinance shall direct, to hold a public commencement, with exercises suited to the occasion, and to graduate with literary honors such students as shall from time to time be found to have merited the same by their character and acquirements. And said trustees and faculty shall have power and authority in furtherance of the aforesaid objects to confer upon the deserving any and all degrees, whether honorary or otherwise, in as full and ample a manner as in any similar institution, and may issue when they deem it expedient testimonials and diplomas, bearing the seal of said college as certificates of the same, signed by the faculty or president of the college. It shall also be duty of the faculty prior to each commencement to hold a public examination in presence of such trustees as may be able to attend, and of other citizens, at which time all the students of said female college shall be examined in the several branches of learning which they have respectively studied, that the fidelity of the teachers and the diligence of their pupils may appear.

Sec. 9. This act is hereby declared to be a public act, and shall be construed liberally and for all beneficial purposes hereby intended, and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gift, grant, conveyance, or devise, to or for the benefit of the corporation be defeated or prejudiced by any misnomer, misdescription, or informality whatever: *Provided*, The intention of the parties can be shown and ascertained beyond reasonable doubt.

Sec. 10. The said trustees and their successors are hereby authorized and empowered to adopt, ratify, and confirm all such acts and contracts not inconsistent with the provision of this charter, as have been done or made by the said trustees named therein, or a majority of them, prior to the passage of this act, in the name and character of trustees of the Presbyterian Female College, and when so adopted, ratified, and confirmed the said acts and contracts of the said trustees above named, or a majority of them, in their said name and character as trustees aforesaid, shall become and be as binding to all intents and purposes upon the said trustees hereby created, and all other parties thereto, as if the same had been done,

made, and entered into by said trustees in the name and character of trustees after the passage of this act.

Sec. 11. This act to take effect and be in force from and after its passage.

CHAPTER CCCIV.

An act to amend an act entitled "An act to incorporate the Fort Wayne and Bluffton Turnpike Company."

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That said corporation is hereby authorized to extend, mark, and locate said road from Bluffton, in Wells county, through Hartford, in Blackford county, to Muncietown, in Delaware county.

This act to be in force from and after its passage.

CHAPTER CCCV.

An act to amend an act entitled "An act to incorporate the city of New Albany, and to repeal all laws in force incorporating the town of New Albany," approved 14th of February, 1839, and of the various acts amendatory thereto.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the offices of city collector and city treasurer of the city of New Albany shall, from and after the first Monday in May next, be held by one and the same person, to be elected by the qualified voters of said city, and the person so elected shall be the treasurer and collector of said city for one year, and until his successor is elected and qualified, and shall perform and discharge all the duties and trusts heretofore required of both said officers, and be subject and liable to the same rules and penalties.

Sec. 2. The person appointed to, or acting in, the office of city clerk of said city shall have power and authority to administer all oaths or affirmations required by the city council, and necessary to

the qualification of mayor, councilmen, or other city officers, for the advancement of, or in any way relating to, the business of said city.

Sec. 3. That all persons entitled to vote under the statute of 1843, who shall have resided in said city six months next preceding any election, shall be entitled to vote at any such city election, in the ward where they may reside.

Sec. 4. That it shall hereafter be the duty of the mayor and council of said city, in contracting for any public improvement, under the 19th section of the act to which this is an amendment, to contract in behalf of the city for the intersections, and in behalf of the owners of property on the line of such improvement for the remainder, and that any neglect or omission to so contract shall not render said city liable to pay for any work done under such contract, other than the cost of the intersection and of superintendence.

Sec. 5. That any contractor with the city for such public improvement shall be entitled to a lien upon and against the property of non-residents, or others, owning the lots or land on the line of such improvement, and chargeable with the assessment under said 19th section, and shall be entitled to the city precept, under the order of the city council, to coerce the payment of the amount assessed against any such lots, or parts of lots, under the contract, on the estimate of the city engineer, or other competent persons, with the cost of precept, and cost of advertisement and sale, and said precept may issue whenever default be made in the payment of any instalment due under such contract, and the city marshal shall execute and return the same, agreeable to the provisions of said 19th section.

Sec. 6. The mayor and council of said city shall not be required to advance money or city orders to any contractor, for any other than the portion of such contract which the city is liable to pay, unless from default in payment on the part of property owners, or from other causes, the mayor and council shall deem it necessary to protect an improvement, and in all cases where such advances are made by the city on account of default, the defaulting property shall be liable to a charge of ten per cent. for such advance, with interest on the amount advanced, and the cost and charges of collecting the same, which per cent. and interest, when collected, shall be paid into the city treasury.

Sec. 7. That so much of the several acts to which this is an amendment as comes within the purview of this act, be, and the same are hereby repealed.

Sec. 8. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to transmit a copy of this act, without delay, to the mayor and council of said city of New Albany.

CHAPTER CCCVI.

An act declaring a certain county road therein named, a state road.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county road heretofore laid out in Wabash county, commencing at the town of Liberty Mills, and running south four and one-eighth miles, to the point of intersection with the Lagro and Manchester state road, be, and the same is hereby declared a state road, and the board doing county business in said county are hereby required to cause the same to be opened sixty feet wide.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCVII.

An Act to incorporate the Shelbyville and Indianapolis Railroad Company, and for other purposes.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Rushville and Shelbyville Railroad Company, and the Lawrenceburgh and Upper Mississippi Railroad Company shall have, and they are hereby vested with full power and authority to survey, locate, and construct a railroad from Shelbyville, in Shelby county, to Indianapolis, in Marion county, on the nearest and most practicable route, and said companies for the purpose of constructing said road, may increase their capital stock to any desirable amount, and may open books for the subscription of stock at such time or times, place or places, as may by said companies be deemed expedient; and said road, when so constructed, shall belong to the said companies as tenants in common, and shall be used and enjoyed by the said companies jointly. When said road is undertaken by any one or both of said companies, such company or companies shall be entitled to all the benefits of the several acts incorporating the Rushville and Lawrenceburgh Railroad Company and amendatory thereof, so far as the same are not contradictory to this act and are necessary for the construction, due maintenance, and mangement of said road.

Sec. 2. In the construction of said road each company shall in

all things be governed by its act of incorporation, and should either of said companies, for the term of two years from the passage of this act, fail, neglect, or refuse to take steps to obtain the subscription of its part of the stock necessary to construct said road, and should one or either of said companies for the period of two years from the passage of this act fail to obtain and furnish its share of the stock necessary to construct the said road over and above what may be subscribed on the route, and join in the construction of said road, and the other company should secure one-half of the stock, and be ready to proceed with the work, then the company so securing the stock shall be authorized to proceed and construct the said road, and have full control of the construction and ownership of the same, except as hereinafter provided; and said road shall be completed within six years from the passage of this act: *Provided*, One of said companies shall not commence the construction of the roads herein contemplated until the expiration of said two years from the passage of this act without the consent of the other.

Sec. 3. The company so constructing said road shall convey the cars, empty or laden with freight or passengers, of the other company along and upon the track of the said road without unreasonable delay or hindrance, for such compensation, and on such terms as may be agreed upon by the said companies; and should the said companies disagree on such compensation and terms, then the same shall be fixed and determined by the Treasurer of State, and his decision shall be final in the premises.

Sec. 4. Should the said road be constructed in partnership, as herein contemplated, and the said companies disagree in the management and control of the road as to the manner of running locomotives and cars, the times of starting, passing, and repassing, or in any other matter whatever in connection with the use and conduct of said road, then such disagreement shall be submitted to the decision of the Treasurer and Secretary of State; and when such disagreement is decided upon by said Treasurer and Secretary, the same shall be binding upon said companies; and should either company violate any of the terms of such decision, it shall forfeit and pay to the other the sum of five hundred dollars for every violation or infraction, which may be recovered in an action of debt in any court of competent jurisdiction.

Sec. 5. After the commencement of the construction of said road by one of the said companies, on the failure of the other to furnish its part of the stock, then the style and title of the "Shelbyville and Indianapolis Railroad Company" shall cease to exist, and said road shall be known by the name and style of the company constructing it, and shall form a part of its road.

Sec. 6. The corporate name of the president and directors of the Rushville and Lawrenceburgh Railroad is hereby changed, and the said company shall, from and after the first day of April next, be known by the name and style of "The Lawrenceburgh and Upper Mississippi Railroad Company," and as such shall hold, exer-

cise, and enjoy all the privileges and rights exercised or enjoyed by said company under its former name, and subject to the same restrictions, and all the contracts made, or hereafter (prior to the first Monday in April next,) to be made, shall be enforced by and in said new corporate name as if acquired by and under the name of the Lawrenceburgh and Upper Mississippi Railroad Company.

Sec. 7. Should the company constructing the road from Shelbyville to Indianapolis after the terms and compensation for the transportation for cars and passengers as provided as aforesaid, have been fixed by the agreement of the said companies, or by the Treasurer of State, refuse or neglect to convey the cars and passengers when desired by the other, the company so refusing by itself, officers, or agents, shall forfeit and pay to the company injured for every such failure or neglect any sum not exceeding the sum of five hundred dollars, nor less than fifty dollars, which may be recovered in an action of debt in any court of competent jurisdiction.

Sec. 8. It shall be lawful for said Lawrenceburg and Upper Mississippi Railroad Company to open books, receive stock, and construct a Railroad from Greensburgh, in Decatur county, to Shelbyville, in Shelby county, in the same manner, and upon the same terms, as that portion of the road which lies between Greensburgh and Lawrenceburgh, also a branch from Milford, in Decatur county, or some other convenient point in their main line to Columbus, in Bartholomew county, on the same terms as aforesaid.

Sec. 9. Whenever hereafter said company shall be unable to agree with the owners of any land or materials required for the use of said company, or as a water station or depot, they shall proceed to condemn the same as by the act hereby amended, and the several acts amendatory thereof is provided, and where said proceedings are instituted, it shall not be lawful for either party to appeal therefrom until after the jury shall have returned their verdict to the justice of the peace, and on payment of the damages, if any be assessed, to the party entitled thereto, or to said justice, the company may enter upon the same so paid for, and prosecute their work thereon. Nothing in this act contained shall be so construed as to prevent the legislature from granting the privilege to other companies to construct a railroad or roads parallel to the road herein contemplated.

Sec. 10. The provisions of this act, which apply, or are applicable to an act entitled "an act to incorporate the Rushville and Lawrenceburgh Railroad Company," shall be considered, and are amendments to said act, and this act, so far as changing the charter of the Rushville and Shelbyville Railroad Company, shall be deemed an amendment thereto.

Sec. 11. This act to be in force from and after its passage.

CHAPTER CCCVIII.

An act to incorporate the Lagro and North Manchester Plank Road Company.

[APPROVED JANUARY 21, 1850.]

[Section 1.] *Be it enacted by the General Assembly of the State of Indiana,* That William Thorn, Samuel Davis, John Harter, Eli Gomery, Mahton C. Frame, and Madison S. Wilson, of North Manchester, Curtis Paulding, Joseph Hopkins, Daniel Sayer, John N. Stephenson, Wilson Michael English, and Wilson B. Barlow, of Lagro, all of the county of Wabash, and State of Indiana, and such other persons as they shall associate with them, be, and they and their successors hereby are constituted a body politic and corporate, to have perpetual existence and succession, and be known and styled as "the Lagro and North Manchester Plank Road Company."

Sec. 2. The capital stock of said company shall be fifteen thousand dollars, to be divided into shares of fifty dollars each, and said company is hereby invested with power to increase said capital stock to any sum not exceeding one hundred thousand dollars.

Sec. 3. The persons in the first section named, or a majority of them, shall meet at the hotel of A. T. Stevenson, in the town of Lagro, prior to the first Monday of August next, and organize said company, by electing out of said number a president, secretary, and treasurer, and after such organization, shall immediately proceed to open books of subscription to the capital stock of said company, at Lagro and North Manchester, and at such other places as they may deem expedient, to receive subscription to the stock of said company, and said books shall be opened at such times and places, and under such regulations as may be directed by the president aforesaid.

Sec. 4. The books of subscription to said stock shall contain the following entry and caption, to be signed by the subscribers to said stock, viz: "The Lagro and North Machester Plank Road Company. We, the undersigned, promise to pay to the Lagro and North Manchester Plank Road Company, fifty dollars for each share of stock set opposite our names, the same to be paid at such times and in such sums as said company may direct.

Subscribers' names. | No. of shares."

Sec. 5. So soon as five thousand dollars of the capital stock of said company shall be subscribed and taken, the said president of said company shall call a meeting of the stockholders therein by a publication in some newspaper published in Wabash county, at least ten days prior to said meeting, giving notice of the time and place of said meeting, and the said stockholders, or such of them as may meet at the time and place thus appointed, shall then and annually thereafter, proceed and elect seven persons of their numbers as directors, who with the president aforesaid shall hold their office

until the first Monday of March next succeeding, and until their successors are chosen; and any vacancy which may occur in any of said offices, either by death, resignation, or removal, may be supplied at any meeting of the stockholders; the annual meetings of said company shall be held on the first Monday of March, in each year.

Sec. 6. All rights, benefits, and privileges conferred on the "Lagro, Marion, and Jonesborough Plank Road Company," by the act incorporating said company, approved January 16, 1849, be, and are hereby conferred on the Lagro and North Manchester Plank Road Company hereby incorporated, and the charter of the Lagro, Marion, and Jonesborough Company is hereby declared to be the charter of this company, excepting such parts and provisions of said charter as are of a local nature, and applicable only to the Lagro, Marion, and Jonesborough Plank Road Company: *Provided*, That nothing herein contained shall in anywise effect or modify, or be construed to impair any of the rights of said company.

Sec. .7 This act shall take effect and be in force from and after its passage.

CHAPTER CCCIX.

An act to vacate a certain road in the county of De Kalb.

[APPROVED, JANUARY 21, 1850.]

WHEREAS, It is represented that there are three roads leading from, at, or near the south-east corner of section 16, in township 33 north, range 14 east, in De Kalb county, Indiana, to the north-east corner of section 14 in said township, one of which runs from the point aforesaid, near the river St. Joseph, another running from said point to the corners of sections 9, 10, 15, and 16, and from thence to the north-east corner of section 14 aforesaid, and another running between the two roads aforesaid, which last aforesaid road is represented by 48 citizens of said township as being useless and burdensome: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the last aforesaid road, running between the two aforesaid roads, be, and the same is hereby vacated..

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCCX.

An act to amend the act entitled "an act to incorporate the city of Fort Wayne," approved February 22d, 1840.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the common council of said city of Fort Wayne, shall have, and may exercise the same, power to declare what shall be deemed nuisances, and to abate and remove the same in the extended jurisdiction beyond the limits of said city, conferred and given by the forty-second section of said act, as is now given by the eighth and twentieth articles of the twenty-eighth section of said act, to said common council.

Sec. 2. The common council shall cause an equalization of the tax, as specified in section thirty-six of said act, to be made on the assessment roll according to the valuation of the real and personal property there set down, and cause a fair copy of the same to be delivered to the treasurer on or before the first day of September in each year.

Sec. 3. The treasurer, upon the receipt of the assessment roll or duplicate, as aforesaid, shall forthwith give notice, in some newspaper printed in said city for four weeks successively, stating in such notice the amount of tax charged, and that he will attend at some proper place in said city for the purpose of receiving said taxes.

Sec. 4. In case any person shall refuse or neglect to pay the tax imposed on him or her, the treasurer shall, after the first day of November, levy the same, together with five per cent. damages, and the costs and charges that may accrue by distress and sale of the goods and chattles of such person as ought to pay the same; and in making said sales and charging fees, said treasurer shall be governed in all particulars by sections fifty-seven, fifty-eight, and fifty-nine of chapter twelve of the Revised Statutes, in relation to county treasurers.

Sec. 5. The lien of the city for all taxes shall attach on the first day of March annually, and such lien shall be perpetual, with the penalties and other costs in such case, until payment.

Sec. 6. On the first day of December annually, the recorder of said city shall proceed to make out and record in a book for that purpose, a list of all lands and lots returned by the treasurer and remaining delinquent for taxes, describing them as described in the the tax duplicate, and charging them with the amount of delinquent tax, and a penalty of ten per centum on such taxes, and shall certify to the correctness thereof, and sign the same officially.

Sec. 7. He shall cause a copy of such list to be published immediately, for three weeks successively in some newspaper having

general circulation in said city, stating also that so much of said lands and lots as may be necessary to discharge the taxes and charges which may be due thereon, will be sold at public auction at the court house in said city, or at such other places as the common council may direct, on the first Monday of February thereafter.

Sec. 8. That section ninety-one, to one hundred and twenty-six, except sections one hundred and twenty-four and one hundred and twenty-five, of chapter twelve of the Revised Statutes, are hereby adopted and made a part of this act, and the county auditor, treasurer, and surveyor named in said several sections hereby adopted, shall be taken and construed to mean recorder, treasurer, and surveyor of said city, and the respective duties imposed on said county auditor, treasurer, and surveyor in said sections are hereby imposed on the recorder, treasurer, and surveyor of said city; and [in] said sections one hundred and thirteen and one hundred and eighteen, the word "State" shall be construed to mean the city of Fort Wayne, and in said section one hundred and seventeen, county treasurer shall be construed to mean city treasurer.

Sec. 9. All laws and parts of laws conflicting with the provisions of this act are hereby repealed.

Sec. 10. This act is hereby declared to be in force from and after its publication in the Fort Wayne Sentinel, and the expenses of such publication shall be paid by said city.

CHAPTER CCCXI.

An act to amend "An act to incorporate the American Cannel Coal Company," approved December 23, 1847.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembty of the State of Indiana*, That the American Cannel Coal Company, created by the act to which this is an amendment, be and they are hereby authorized to increase their capital stock to an amount not exceeding one million of dollars, in shares of one hundred dollars each, whenever they may deem it advisable; *Provided*, Said increase of capital stock is necessary for the *bona fide* transactions of said company.

Sec. 2. Said company may subscribe stock in other manufacturing companies or corporations, to the extent and value of land, privileges, and materials furnished by said American Cannel Coal Company, to such other manufacturing companies or corporations.

Sec. 3. The directors of said American Cannel Coal Company, shall, after the next annual election of directors and officers thereof, consist of not less than five, nor more than nine members of said company, to be chosen in conformity to the provisions of the act to which this is an amendment, the number to be determined on, and chosen, at the said next annual election.

Sec. 4. Said company, for the purpose of raising money to improve their property by the construction of roads, streets, wharves, and railways thereon, and for any other purpose connected with the legitimate operations of the company, shall have the right to issue their bonds bearing interest at not exceeding ten per cent. per annum, payable semi-annually, payable at a period not greater than twenty years from the date of their issue, which bonds shall operate as a lien upon the rents and profits of the property of said company, from the maturity of said bonds or the coupons, for the interest thereon, respectively; *Provided, however*, That no such bond or bonds shall be issued as aforesaid, except upon a vote of three-fourths of the stockholders in interest of said company, and no bond shall be issued for a less amount than five hundred dollars.

Sec. 5. Said company shall have the right by a vote of two-thirds of the stockholders in interest, to subscribe stock in companies to corporations created by other States.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXII.

An act to change the name of Losson Brinton, to that of Losson Rowing Lane, and for other purposes.

[APPROVED, JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Losson Brinton, of the county of Pike, and State of Indiana, be and it is hereby changed to that of Losson Rowing Lane.

Sec. 2. The said Losson Rowing, shall be and he is hereby invested with all the right with which he would be invested, if he were the natural child of Elijah Lane, of said county of Pike, and shall, upon the decease of said Elijah Lane, be an heir and distributee of his estate, real and personal, to all intents and purposes, as fully as if he were his son.

Sec. 3. This act shall be in force from and after its passge.

CHAPTER CCCXIII.

An act to incorporate the town of West Union, in Fayette county, State of Indiana.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That "the Town of West Union," be and the same is hereby incorporated under the general provisions of the Revised Statutes of the State of Indiana, of 1843, as the same are contained in the 25th chapter, article first of said revision, so far as is applicable to the true intent and meaning of this act.

Sec. 2. The boundaries of said corporation, shall be as follows, viz: The original plat of said town, consisting of forty-eight lots, with Thompson's addition of twelve more lots, in all sixty lots, as known on the plats of said town, duly recorded.

Sec. 3. That James Elliott, Elias Hubbard, James H. Bonham, William H. Evans, and Pressly S. Silvy, be and are hereby declared trustees of said incorporation, on and until an election of trustees shall be made by the legal voters thereof, in accordance with the provisions of the aforesaid Revised Statutes, chapter 25, article one, so far as applicable, at the time of holding the annual election, under the same.

Sec. 4. This act to take effect and be in force from and after its passage, said incorporation having all the rights and privileges of general incorporations, under the said provisions of the general law aforesaid.

CHAPTER CCCXIV.

An act to change the names of Belsora Barsheba Inglewright and others.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the names of Belsora Barsheba Inglewright, Marcellas Josephus Inglewright, Rebecca Angelina Inglewright, and Mary Eliza Inglewright, be and the same are hereby changed from that of Inglewright, to that of Thompson, and they shall hereafter be known by the name of Belsora Barsheba Thompson, Marcellas Josephus Thompson, Rebecca Angelina Thompson, and Mary Eliza Thompson.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCCXV.

An act to incorporate the Cloverdale Seminary.

[APPROVED, JANUARY 19, 1850.]

WHEREAS, The citizens of Cloverdale and vicinity, for the purpose of organizing a school, procured subscriptions and donations to an amount sufficient to build a seminary in the town of Cloverdale, Putnam county, Indiana. Now, in order to encourage learning, extend the means of education, and to give dignity, permanancy, and usefulness to the efforts of said citizens,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That A. T. McCoy, Moses Akers, Thomas Nelson, John Sandy, and William Winans, and their successors in office, be and they are hereby constituted a body corporate and politic, by the name and style of "The Trustees of the Cloverdale Seminary," and by that name and style shall have perpetual succession, with full power to contract or be contracted with, sue and be sued, plead and be impleaded, in their corporate name, in any court of law or equity in the United States; and shall have and use a common seal, and alter the same at pleasure.

Sec. 2. The said trustees, and their successors in office, shall have power to receive any subscriptions, gifs, grants, donations, and bequests for the sole use and benefit of said seminary. A subscription of five dollars shall constitute a member of said corporation, and entitle to vote for trustee.

Sec. 3. The trustees named in section first shall hold their office until the first Monday in May, A. D., 1851, and there shall be annually elected thereafter, by the subscribers and donors from among themselves, five trustees, who shall elect one of their body president, who shall preside at all meetings of the trustees, shall also appoint a secretary and treasurer, but the treasurer shall not be one of their own body.

Sec. 4. The said trustees shall have power to meet as often as they may deem necessary under such rules and regulations as they may adopt; the first meeting of said trustees shall be in the town of Cloverdale, Putnam county, at such time as the majority may agree on, and make all by-laws, rules, and regulations for the government of said society, that they may deem necessary, and enforce the same. And it shall be the duty of said trustees to elect annually a board of visitors consisting of five persons who shall be men of literary acquirements, whose duty it shall be to assist the board of trustees in defining the duties of teachers and the qualifications, and to distinguish merit by conferring such literary and scientific degrees, honors, and rewards, as they may deem proper.

Sec. 5. The said trustees shall appoint or elect, as they may enact, all officers, instructors, and agents, that they may deem necessary for the benefit of said institution, and receive a conveyance

for a certain lot to them as such body corporate, known and designated by block No. 5, in McCoy's enlargement to the town of Cloverdale, for a site for the purpose of erecting buildings for said seminary.

Sec. 6. The treasurer shall give bond and security in such sum as the trustees may direct and order; the treasurer shall have the safe keeping of all the effects of said society; the said treasurer shall not pay out any money or effects only by order of the board of trustees, which order shall be entered on the books, and signed by the president and countersigned by the secretary.

Sec. 7. The said trustees shall furnish suitable books, in which all their proceedings shall be recorded, and at each meeting the whole proceedings shall be drawn up, and signed by the president and secretary. A majority of the whole number of trustees shall be necessary to form a quorum to do business. All officers shall be qualified by taking an oath of office. The trustees shall remain in office until their successors are elected and qualified.

Sec. 8. The above named trustees shall be judges at the first election, their successors at annual elections thereafter; ten days' notice shall be given of all elections; and in case of a failure to elect on the first Monday of May, said trustees shall immediately appoint another day for said election within fifteen days, and give notice thereof, but no failure to elect shall work a forfeiture of the franchises hereby created.

Sec. 9. The said trustees shall open books for subscription of stock by gifts, grants, donations, contracts, and bequests, and authorize any agent to receive the same, and issue certificates of the evidence of stock according to the manner the same may be subscribed, and make such investments of the stock in their by-laws as they may deem best for the promotion of said institution, and sell certificates of scholarship on such terms, and for such amounts, as they may deem best. Each and every subscriber alluded to in the preamble to this act shall be entitled to full membership by paying the amount subscribed by him or her.

Sec. 10. This act shall take effect and be in force from and after its passage. The legislature shall have the power to alter or amend this act at pleasure; and the same is hereby declared to be a public act, and shall be liberally and beneficially construed.

CHAPTER CCCXVI.

An act to authorize the trustees of the School Society of Mooresville to convey real estate.

[APPROVED JANUARY 19, 1850.]

WHEREAS, As has been represented to this General Assembly, on the 14th day of January, 1834, a deed of conveyance was made by Samuel Moore to the trustees of the school society of Mooresville and their successors in office, for lot number four in block number eleven, in the town of Mooresville, in Morgan county; and it being further represented that the said trustees and society are desirous of the power to convey their right and title in and to said lot, to the trustees of the school district in which said lot is situated; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That David G. Worth, Joel Dixon, Alexander Worth, Willis G. Conduit, and Asa Bales, as trustees of the school society of Mooresville, or a majority of the survivors of them, or a majority of the survivors of the legal successors in office of the above named trustees, be, and they are hereby authorized and empowered to convey by deed the aforesaid lot number four in block number eleven in the town of Mooresville, in the county of Morgan, to the trustees of the school district in which said lot is situated, which deed, when duly executed, shall convey to the said trustees of the said school district, and their successors in office, all the estate, right, title, and claim of the said school society, and of said trustees of the school society of Mooresville, in their capacity as a society, and as trustees, or in any other relation whatever.

Sec. 2. This act to be in force from and after its passage, and all laws contravening the provisions thereof are hereby repealed.

CHAPTER CCCXVII.

An act providing for the re-location of Orr & Harrison's addition to the eastern enlargement of Evansville, and for other purposes.

[APPROVED JANUARY 21, 1850.]

WHEREAS, Samuel Orr and Thomas R. Harrison, in the life time of the latter, employed the county surveyor of Vanderburgh county to plat and lay off an addition to the eastern part or enlagement

of the city of Evansville, on a portion of a tract of land conveyed to them by Charles J. Battell and John Ingle, Jr., by deed dated the 10th day of February, 1846, and recorded in book N, at page 399, of the records of deeds of said county; and the said surveyor having made a survey and plot dividing a portion of said tract, as said Orr and Harrison both at the time supposed, into two blocks, the most southern of which was designated as block No. 1, and the other as block No. 2 on said plot, each of which blocks contained twelve lots, which were numbered from one to twelve inclusive, the most southern lot in each block being designated as lot No. 1, and the said Orr and Harrison having procured said plot to be recorded, and believing it to be correct, made a division of said lots whereby the said Harrison released and conveyed to said Orr in fee lots Nos. 1, 2, 3, 7, 8, and 9, in block No. 1, and lots Nos. 1, 2, 3, 7, 8, and 9, in block No. 2, according to said plot, and whereby the said Orr released and conveyed to the said Harrison in fee lots Nos. 4, 5, 6, 10, 11, and 12, in block No. 1, and lots Nos. 4, 5, 6, 10, 11, and 12, in block No. 2, according to said plot; and the said Harrison having since said division departed this life, after first making his last will and testament, of which he appointed said Orr sole executor, thereby empowering said executor to sell and convey all his real estate for the payment of his debts and the legacies bequeathed by his will; and said will having been duly proved and recorded in said county, and the said Orr having renounced the execution of said will, and the probate court of said county having subsequently granted letters of administration, with said will annexed, to the said Samuel Orr and Thomas E. Garvin, on the estate of said Harrison, and the said administrators having, in pursuance of said will, and by virtue of an order of said court, sold said twelve lots, so as aforesaid released and conveyed to said Harrison by said Orr, and said sale having been reported to and confirmed by said court, and a part of said lots having been paid for and conveyed to the purchasors, pursuant to the directions of said court, the said lots so sold being described in the proceedings of said court by their numbers according to said plot: And whereas, Since the sale of said lots, and since the conveyance of those so conveyed to said purchasers as aforesaid, it has been discovered that said surveyor committed a mistake in making said survey and plot, and in running the boundaries of said tract so conveyed by said Battell and Ingle to said Orr and Harrison as aforesaid, in consequence of which mistake said surveyor located more than half of every lot in each of said two blocks on another adjoining tract of land, to which neither the said Orr nor the said Harrison ever had any title or claim; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the said Samuel Orr and Thomas E. Garvin to cause said addition to said eastern enlargement to be

re-surveyed, and to locate the same on that part of the said tract of land which the same was originally designed to cover, dividing it into the same number of blocks and lots contained in said former plot, said blocks to be numbered in the same order, and to correspond in size and relative position, as near as the nature of the ground will admit of, to the survey and plot made by said county surveyor as aforesaid, and the said Orr and Garver may also make and acknowledge a corrected plot of said lots and blocks, which shall have the same force and effect as if it had been made and acknowledged by the said Orr and Harrison, in the life time of the latter, and may be recorded in like manner.

Sec. 2. After re-locating said lots and blocks, and making and acknowledging a plot thereof, according to the provisions of the first section of this act, said administrators may release and convey to each of the purchasers of lots at said administrators' sale, or to his assigns or grantees, such lot or lots on the corrected plot as will best correspond, in number and position, with the lot or lots purchased by him at said sale, according to the former plot, but said administrators shall not be required to make any such conveyance until the purchase money of the corresponding lot on the former plot shall have been paid.

Sec. 3. The said Thomas E. Garvin may, as one of the administrators of said Harrison, release and convey to said Orr and his heirs the twelve lots on said corrected plot which shall correspond in their numbers, and most nearly correspond in their position, to the twelve lots conveyed to Orr by said Harrison in his life time, as aforesaid, and such conveyance shall be as effectual in passing the interest which the said Harrison had, at the time of his death, in the premises so to be conveyed, as if the same had been made by said Harrison before his death: *Provided however*, that said Orr shall, before receiving such conveyance from said Garvin, release and convey to said Garvin, for the use and benefit of said Harrison's estate, all his interest in the twelve lots on said corrected plot which shall correspond in their numbers, and best correspond in their position, to the twelve lots conveyed to said Harrison, in his life time, by said Orr, according to the former plat, as stated in the preamble to this act, and such release to said Garvin shall have the same force and effect as if it had been made to said Harrison prior to his death.

Sec. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CCCXVIII.

An act to incorporate the town of Noblesville.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the inhabitants of the recorded town plat of Noblesville, in the county of Hamilton, and all recorded additions thereto, are created a body corporate and politic by the name and style of the "corporation of Noblesville," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, either in law or equity, and in all places whatsoever, and making all necessary laws for the government of the said town of Noblesville.

Sec. 2. The qualified voters within the bounds of the above described territory shall be required to meet on the first Monday of March, 1850, for the purpose of electing one mayor, five councilmen, one secretary, one treasurer, one street commissioner, and one marshal; and when so assembled, it shall be their duty to select one as inspector, who shall select two judges and two clerks, all of whom being duly sworn, shall proceed to conduct said election in the usual manner of conducting general elections.

Sec. 3. It shall be the duty of the inspector and judges of such election to certify, under their hands and seals, the person or persons who received the highest number of votes for the several offices above enumerated; which certificate shall be filed and put on record by the secretary of said corporation. The officers thus elected shall meet within ten days after such election, or a majority of them, and after taking an oath or affirmation faithfully, diligently, and impartially to discharge their duty in their several offices, shall be considered as capable of transacting all the business contemplated by this act of incorporation; and in case of any vacancy in any of the above offices above enumerated, except the office of mayor, the council shall have a right to fill such vacancy. *And be it further enacted*, That all officers elected under this act shall serve one year, and until their successors are elected and qualified; which election, after the first, shall be held by a majority of the council annually.

Sec. 4. The mayor, after taking the oath of office, shall enter into bond, with security to the satisfaction of the council, in the sum of one thousand dollars, payable to the State of Indiana, for the use of the corporation, for the faithful performance of the duties of his office, and shall be vested with all the powers of a justice of the peace, both in civil and criminal cases; and shall be governed by the Statutes of the State regulating justices of the peace in criminal and civil cases: and further, the said mayor shall preside at all

meeting of said council, sign all laws enacted for the good government of said corporation, and enforce the same.

Sec. 5. Within ten days after the election, the treasurer and marshal shall each enter into bond for the faithful performance of their several duties as marshal and treasurer of said corporation, in a sum of not less than five hundred nor more than two thousand dollars, to the satisfaction of said council, payable to the State of Indiana, for the use of the corporation; which bonds, with that of the mayor's, shall be deposited with the secretary of said corporation, and upon which suit may be brought for neglect of duty, in the name of the State of Indiana, for the use of the corporation.

Sec. 6. The marshal shall be vested with the powers of a constable, serve all process issued by the mayor, and be governed in all his official acts by the laws of the State regulating the duties of constable; whose fees shall be the same as that of constable for similar services.

Sec. 7. The mayor and council shall have power annually to levy and collect a tax on real and personal property, not to exceed one-fourth of one per centum on on its valuation; and on all shows, exhibitions, or amusements which may be exhibited for gain, not less than one nor more than ten dollars for every exhibition: and further, said council shall have power to pass such laws or ordinances as may be necessary to guard against damage by fire, to regulate and govern the markets, to prevent the erection of public nuisances, and remove the same, and generally to enforce by proper penalties, the observance of all laws and ordinances relative to the police and government of said incorporated town.

Sec. 8. The secretary shall attend all meetings of the council, shall make a record of all their proceedings in a book kept for that purpose, enter in said book all laws and ordinances passed by said council, and when said council shall direct, it shall be the duty of said secretary to procure from the county auditor an abstract of all the taxable property within the bounds of said corporation, which abstract shall govern said secretary in making out his duplicate.

Sec. 9. It shall be the duty of the marshal, whenever he is furnished with a duplicate of taxes to be collected, duly certified to by the secretary of said corporation, to proceed to the collection of the same within such time as the council of said incorporation may direct, and for such service the council shall allow what they may think just and right.

Sec. 10. When the tax on any property or lot, except personal property, cannot be collected without distress and sale, the marshal shall return said delinquent property to the auditor of the county, with the amount of tax due said corporation, who shall enter said tax on his duplicate, which tax shall be collected under the same laws that State and county taxes are collected by the county collector; and when so collected, the treasurer of said county shall pay over the same to the treasurer of such corporation.

Sec. 11. The bounds of said corporation shall constitute one

road district, which road district shall be under the control of the council of said incorporation, who may order the street commissioner to keep the same in good repair; which street commissioner shall have all the authority of a supervisor over the hands within the bounds of said district, who shall be subject to the order of the street commissioner in the amount of labor necessary to be done, and said commissioner to the order of the council; which street commissioner shall be allowed such compensation as the council may deem just and right.

Sec. 12. All moneys arising from fines, licenses, and other sources, accruing under the regulations of said corporation, shall be paid into the treasury thereof, and shall be expended under the direction of the council, to the repairs of the streets and such other improvement as they may deem most expedient.

Sec. 13. The council of said incorporation shall not, at any time, have the right of taking stock in any corporated or unincorporated company whatever, making the citizens of said incorporation of Noblesville liable therefor.

Sec. 14. This act to be in force from and after its passage.

CHAPTER CCCXIX.

An act to incorporate the town of Hartsville, Bartholomew county.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Silas Forbes, A. C. Chamberlain, William Brinkley, William D. Eubanks, Jacob E. Kerdlebaugh, William C. Smith, and Jonathan B. Denman, be and they are hereby appointed trustees of the town of Hartsville in the county of Bartholomew, to serve as such until the first Monday of April 1851, and until their successors are elected and qualified as hereinafter directed.

Sec. 2. That the trustees aforesaid at their meeting under this act, shall elect a president from their own body, whose duty it shall be to preserve order and put all questions before them, and upon an equal division of the board give the casting vote; and at the close of such meeting shall sign the minutes of the same, and said trustees shall also at their first meeting appoint officers necessary to carry into effect the provisions of this act, and make such compensation to such officers as a majority of the board shall deem reasonable.

Sec. 3. That said president and trustees of said town of Hartsville, and their successors in office, shall be, and they are hereby constituted and declared a body politic and corporate with perpetual succession, by the name and style of "The president and trustees of the town of Hartsville," and by their corporate name shall be capable in law and equity to sue and be sued, plead and [be] impleaded, answer and be answered unto, defend and be defended in any court having competent jurisdiction, and shall have power to make, have, and use a common seal, and the same to alter, amend, and break at pleasure, to ordain, establish, and put into execution and carry into effect such by-laws, rules, ordinances, and regulations necessary and proper for the benefit, convenience, good government, and police of said town.

Sec. 4. That said president and trustees, or a majority of them shall have power to lay off said town into as many wards as they shall deem necessary, should they deem it expedient so to do. And on the first Monday of April annually, there shall be an election at some convenient place in said town, to be designated by said president and trustees, to be elected by ballot five trustees of said corporation at which, each white male inhabitant of said town, who shall have the qualifications of a voter for State and county officers, and shall have resided in said town three months next preceding such election, shall be entitled to a vote at the same; ten days' previous notice of which election shall be given by the president and trustees aforesaid by written notices posted up in three of the most public places of said town, designating the time and place of holding such election.

Sec. 5. It shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature, and also sign the records of all by-laws and journals and minutes of their proceedings, and at the first meeting of the president and trustees after the taking effect of this act, and after each annual election, as soon as may be convenient, they shall elect or appoint a clerk, and treasurer, and also a marshal of said incorporation should they think it expedient so to do, each of whom shall serve one year, and until their successors shall have been chosen and qualified, and shall possess the qualifications of voters, and take a similar oath of the trustees, give bond and security payable to said president and trustees, conditioned for the faithful discharge of their duties, respectively, and on failure to perform all or any of the conditions of said bond, they shall be liable to the suit of the president and trustees aforesaid on said bond, or against them and their securities, who may assign breaches upon the conditions of said bonds, and recover a judgment for any default in the discharge of the duties of said officers, together with full costs of suit and six per centum damages, if suit be brought for the nonpayment of any sum of money due said corporation, in any court of competent jurisdiction, and on which judgment there shall be no stay of execution.

Sec. 6. The president and trustees shall have power to levy, annually, and collect a tax on real property within the plat of said

town, not exceeding one half of one per centum, on its valuation, including improvements, and all shows and amusements, which may be exhibited for gain, not less than two nor more than ten dollars for each exhibition, and may levy a tax on each special article or articles of personal property, a poll tax on each qualified voter not exceeding fifty cents.

Sec. 7. The president and trustees shall have power to pass such laws and ordinances or decrees as may be necessary to guard against damage by fire, to organize fire companies and govern the same, to regulate markets, prevent the erection of nuisances and remove the same, to make and keep in repair public wells, and shall have the sole power to keep in repair all streets alleys, and drains, and regulate the same agreeably to the plan of said town, and generally enforce by proper penalty the observance of all laws, ordinances, &c. relative to the police of said town.

Sec. 8. The limits of said town shall, for the purposes of taxation and police, extend to, and embrace the boundary of the original town plat, together with the new addition or additions added to said town, that have been subsequently added.

Sec. 9. The president and trustees, in the month of May in each year, may appoint an assessor, who shall take an oath of office, after which he shall proceed forthwith to make a fair list in alphabetical order, of all persons subject to taxation, together with such property as the president and trustees may direct him to list, of all lots, and fractions of lots, particularly noting the number and fractions, a description thereof, the owner's name, if known, whether resident or non-resident; and after having completed such list, he shall take to his assistance two free-holders, who having taken a like oath as the assessor, shall proceed to value the same, and such assessor shall, on or before the first Monday of June next sueceeding, make a return of such assessment to the clerk of the corporation.

Sec. 10. The president and trustees shall in the month of June, in each and every year, levy a tax on the property so assessed and returned by the assessor, and appoint a collector to collect the same, who shall take an oath of office, give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully discharge his duty, and pay over to the treasurer of said corporation all the money that may come into his hands as such collector, and shall hold his office for one year, unless sooner removed.

Sec. 11. The president and trustees shall cause the clerk to make out a fair copy of such assessment list, setting forth the amount of tax charged on each poll, and each item of property, and shall deliver the same to the collector on or before the fifteenth day of July annually, and certify the amount of tax contained in such duplicate, to the treasurer; such duplicate, so put into the hands of the collector, certified by the president and certified by the clerk, shall be sufficient authority for the collector to collect the taxes charged thereon.

Sec. 12. It shall be the duty of the collector to receive the amount of taxes due from each indidividual, on or before the first Monday in October in each year, and in all cases when the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed to collect the same by distress and sale of any of the personal property belonging to such delinquent, subject to execution by the laws of this State, by giving ten days' notice of the time and place of sale, by advertisements, set up in three of the most public places in the town.

Sec. 13. In all cases when the taxes are due and owing, cannot be made of the goods and chattles of such delinquents, it shall be the duty of such collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and costs due, by giving three weeks' notice of such sale, by posting up advertisements in three of the most public places in said town, one of which on the court house door, describing said lot by number, together with the owner's name, if known, or persons' name, whom it is supposed to belong. The collector shall, on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder: *Provided*, Said lots shall not bring less than one-half their appraised value, then and in that case, the owner of said lots shall have the privilege of redeeming the same, at any time within two years from and after the said sale of lots, by paying the amount due on said debt, with ten per centum damages thereon.

Sec. 14. It shall be the duty of the collector to make return of his proceedings within three days after the sale of any personal property or real estate aforesaid.

Sec. 15. All bonds given by the corporation, and all contracts entered into with the corporation, shall be in the name of "the President and Trustees of the town of Hartsville," and all suits commenced for the benefits of the corporation, or when the corporation shall be the defendant, shall be in the name of "the President and Trustees of the town of Hartsville," without setting out the members thereof.

Sec. 16. For the better government of the town, the president and trustees are hereby authorized to pass and adopt laws and ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of the said town, and for the purpose of carrying into effect the provisions of this act, the president and trustees are hereby authorized to appoint a mashal, who shall, within the bounds of said corporation, be a peace officer, and in the service of all procees within the bounds of the corporation, in which said corporation may be a party, the marshal shall have the same authority, and be subject to the same responsibility as a constable.

Sec. 17. All laws and ordinances passed by the president and trustees, of a public nature, shall be published by setting up written or printed copies thereof in three of the most public places in the corporation twenty days before they shall be in force; and it

shall be the duty of the said president and trustees to fill all vacancies which may occur in the board; they shall cause a full statement of the expenditures of the past year, annually, on the first day of March, to be posted up in three of the most public places in said town.

Sec. 18. Any person who shall unlawfully in a rude, insolent, and angry manner, touch, strike, beat, or wound another, shall forfeit and pay the sum of five dollars.

Sec. 19. If two or more persons shall fight by an agreement, each shall forfeit and pay the sum of five dollars.

Sec. 20. If any person shall be found quarreling, making a great noise, or in anywise disturbing the peace of the citizens of said corporation, or any citizen therein, shall forfeit and pay five dollars.

Sec. 21. If any person shall ride, lead, or drive any animal or animals over or across any side-way or walk in said town, other than the regular crossway place, or pass over the same into his own premises, shall forfeit and pay five dollars.

Sec. 22. Any person who shall sell, or offer to sell any unwholesome provisions within the corporate limits of said town, and knowing the same to be unwholesome, shall forfeit and pay the sum of ten dollars.

Sec. 23. If any person shall challenge any other to fight, he shall forfeit and pay five dollars.

Sec. 24. If any owner of animals that shall have died within the corporate limits of said town, should, after knowing of the same to be dead, suffer the same to remain within the corporation after the expiration of twelve hours after its death, he shall forfeit and pay the sum of ten dollars.

Sec. 25. Any person suffering water to run from his well or pump into any street or alley of said town, so as that the same causes mud or other obstruction to accumulate in said street or alley, shall forfeit and pay five dollars for each and every day he shall so permit, cause, or suffer the same so to run upon, or into any street or alley.

Sec. 26. Any person who shall ride or drive any animal on the streets or alleys of said town at a faster or more rapid gait than a usual pace or trot, shall forfeit and pay five dollars.

Sec. 27. Any person who shall suffer any obstruction to remain in front of the property in his possession, so as to obstruct the passage of teams or persons, shall forfeit and pay five dollars for each day he suffers the same to remain.

Sec. 28. Any person who shall obstruct any street or alley in said town, so as to make it inconvenient for persons or teams to pass, shall forfeit and pay five dollars.

Sec. 29. Any person who shall in anywise injure the fence that may be around the grave-yard within the corporation, or shall injure any railing, stone, or other fixture in and about any grave in

said yard, shall forfeit and pay three-fold the value of the injury done.

Sec. 30. Any person subject to pay a poll or other tax for corporation purposes, being called upon by the assessor of the town, fails to give a true account of his property subject to taxation as aforesaid, shall forfeit and pay ten dollars.

Sec. 31. For the exhibition of any menagerie or circus, within the corporation, the person so exhibiting said circus or menagerie shall pay to the treasurer of said town, for the use of said town, the sum of seven dollars and fifty cents for each day of said exhibition, and the person shall first secure the certificate of the treasurer of said town that said license has been granted.

Sec. 32. All the forfeitures herein provided for shall be recovered in an action of debt in the name of the president and trustees of said town; and it shall be the duty of the marshal of said town to arrest any and every person he may find violating any of the acts of the Legislature conferring power on said president and trustees, or any ordinance by them made in pursuance of the acts of incorporation, and shall immediately upon such arrest take said person so offending before some justice of the peace, to be tried for such offence, and detain him until the fine and costs are paid or secured, if any such be assessed.

Sec. 33. All the in and out-lots and other land within the town limits as declared in the first section of this act, shall be subject, for the purpose of improvement of the side-walks, streets, alleys, and roads within said town, to a road tax of five per centum on the hundred dollars of valuation of said town lots and land within the limits aforesaid, and the present valuation of the same, as appears upon the books of the auditor and treasurer of Bartholomew county, shall be deemed and taken as the assessment of the valuation thereof; and it shall be the duty of the treasurer of said county on collecting the same to pay it over to the order of the president and trustees of said town all such road tax as may be by him collected, and the same shall be in full of all road taxes of said town lots and land, and the same shall be expended under the direction of the said president and trustees as above provided.

Sec. 34. This act is hereby declared a public act, and shall be construed liberally, and shall be in force from and after its passage; and the Legislature reserves the right to alter, amend, or repeal this charter or any of its provisions at pleasure.

CHAPTER CCCXX.

An Act to incorporate Congressional Township No. 19, in Delaware and Henry counties, for the encouragement of free schools.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the legal qualified voters of congressional township number nineteen north, of range number nine east, in the counties of Delaware and Henry, be and they hereby constituted a body politic and corporate, by the name of "The Inhabitants of Congressional Township Number Nineteen," by which said name they shall have the right to sue and be sued, plead and be impleaded, in matters pertaining either directly or indirectly to the object of their creation.

Sec. 2. The said corporation is hereby created for the purpose of furthering in said congressional township the cause of common free schools.

Sec. 3. It shall be the duty of the legally qualified voters aforesaid, as soon as convenient, to meet together for the purpose of electing three trustees for said township, whose duty it shall be when so elected and qualified according to law, to district said township for school purposes as may best suit the convenience of the citizens thereof, and to appoint one district trustee for each of said districts.

Sec. 4. The township trustees shall have power to call meetings of the qualified voters of said township, or of any district thereof, whenever the interest of the said township or district may, in the opinion said trustees, require it.

Sec. 5. The said trustees shall have power to make and establish all by-laws rules and regulations in said township that they may deem necessary for the promotion and government of free schools in said township: *Provided, however*, Said by-laws shall not be in force in said township or any district thereof until the qualified voters of said township or district shall have determined in favor of said by-law by an election to be held for that purpose.

Sec. 6. It is hereby made the duty of said trustees to levy a tax for the support of free schools in the several districts in said township, for any length of time the voters of the said district shall respectively require, and for the purpose of more effectually carrying the foregoing provisions into effect, the said trustees are hereby invested with the same powers, so far as the same relates to the collection of said taxes, as are now invested in the county auditor and county treasurer and collector of said county of Delaware, to enable them to enforce the collection of State and county revenues, and all elections contempated by this act, shall be governed by the general laws governing elections in this State so far as the same are applicable.

Sec. 7. It shall be the duty of all of the officers of the counties of Delaware and Henry, having the possession or control of any bills, bonds, moneys, notes, mortgages, accounts, or other evidences of debt in anywise belonging to said township, to deliver the same upon demand to any officer of the board of trustees hereby created, duly appointed and commissioned by said board for that purpose: *Provided, however*, said officer demanding any of the aforesaid bills, bonds, moneys, notes, mortgages, accounts, or other evidences of debt, shall, before receiving the same, file in the auditor's office of the county in which the same are situate, a bond with good freehold security to the acceptance of the said county auditor, payable to the State of Indiana, with a penalty of at least treble the amount of the principal and interest of the bonds, bills, note, mortgage, money, or other evidence of debt by him so to be received.

Sec. 8. Said board of trustees are hereby authorized to assess and collect as heretofore provided for the construction, repair, or furnishing of a shool-house or houses, as the case may be, in any school district in said township any amount of taxes the qualified voters of said district shall have determined by an election in favor of.

Sec. 9. The term of service of all of the officers hereby created, shall be one year and until their successors are elected and qualified, and the organization of said township under the provisions of this act, shall, from and after said organization, exempt the citizens of said township from the effect and provisions of all general laws relative to common schools, either now or hereafter to be in force, so far as the same may in any wise come in conflict with the provisions of this act.

Sec. 10. All laws and parts of laws contravening the provisions of this act be and the same are hereby repealed, so far as they relate to said township.

This act to be deemed a public act and be in force from and after its passage.

CHAPTER CCCXXI.

An an act to incorporate the Hamilton Manufacturing Company.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That George B. Grubbs, Samuel H. Colip, John D. Stephenson, Samuel Dale, and Jacob Mader, and all other persons who may be associated with them as stockholders, under the provisions of this act, shall constitute a body politic and corporate, under the name of "The Hamilton County Manufacturing Company," and by that name, shall have perpetual succession, and the capacity to sue and be sued, with power to make and use a common seal, and power to do all acts and things necessary for the furtherance of the objects of this incorporation, not contrary to the constitution and laws of the United States.

Sec. 2. The capital stock of said company, shall be ten thousand dollars in shares of twenty-five dollars each, with the privileges of the directors of said company, to increase it to fifty thousand dollars, if in their opinion, the interest of the company require it; but it shall be lawful for said company to commence business so soon as two hundred shares shall be subscribed.

Sec. 3. Books for the subscription of stock shall be opened under the direction of the persons named in the first section of this act, or any one of them, or such other person or persons as they may appoint at Noblesville, and such other places as they may designate, and shall be kept open until the necessary amount is subscribed.

Sec. 4. So soon as two hundred shares shall have been subscribed, the person or persons opening said books of subscription, shall give at least three weeks' notice in some newspaper published in said county, if not, by manuscript advertisements, posted up in at least three of the most public places in said county, of the time and place at which the stockholders shall meet and hold an election for directors, to direct and manage the business of the corporation.

Sec. 5. Said stockholders when assembled, shall elect five directors, three of whom shall form a quorum, to transact business, to serve for the term of one year, and until their successors are elected and qualified. No person shall be a director unless he be a stockholder; the directors when elected, shall choose one of their own number as president, and in case of vacancy in their body, the remaining director or directors, shall have power to fill the same out of the stockholders by appointment, until the next annual election thereafter. The directors shall have power to choose a secretary, and such other officers as they may think necessary, whose term of office, liabilities, and duties shall be regulated by said directors, and

may require them to give such security as they think proper. Each share shall entitle the holder to one vote, and the votes may be in person, or by proxy in writing. The first election shall be under the direction and supervision of some of the persons named in the first section of this act, and all elections [afterwards,] shall be under the direction of the directors, or such persons as they may designate, and at such time and place as the by-laws may direct.

Sec. 6. The directors after their election, shall determine what instalments, shall be paid by the stockholders on their stock, and at what time or times the same shall be paid, and shall have power to receive said instalments, or so much of them as they may think proper, in materials, labor, or other articles of value which can be used in carrying on the objects of said corporation. Not less than thirty days' notice of the amount of each instalment, and the time for the payment thereof, shall be given by the secretary of said company, either personally to each stockholder, or by manuscript advertisements, posted up in three of the most public places in the neighborhood, where the majority of such stock is held, or by advertisement in the public newspapers printed in the town of Noblesville, in said county, and a certificate of such secretary, under the seal of the company, that such notice was duly given, shall be taken as sufficient evidence of such notice. But not more than one-half of the stock shall be required in one year. If any share-holder or subscriber shall fail to pay up his, her, or their instalments as required, after notice as aforesaid, shall forfeit his stock and the amount paid to the company. But the directors shall have power to remit such forfeiture within sixty days thereafter, upon the payment of the instalments, and such damages in addition, as they shall impose, or the said directors may proceed to collect the same, by proper action, before a justice of the peace, or any court having jurisdiction thereof, the same as other debts, which amounts being sued for, shall be collected without regard to valuation or appraisement laws.

Sec. 7. The said company shall have power to purchase and hold in fee simple, or for years, as they may think proper, any quantity of real estate, in the county of Hamilton, Indiana, not exceeding twenty-five thousand dollars in value, for the purpose of carrying on and conducting the affairs of said company, shall have power to build, erect, and construct dams, races, mills, buildings, houses, and machinery of every description, whatever, for the purpose of manufacturing, any or all things they may think proper, also to sell, rent, lease, buy or convey any water power which they may own or want, as well as any other property, to or from any other individual or company; and generally to do and perform any and all other acts, and things not inconsistent with the laws and constitution of this State, or of the United States, which may be necessary or proper in order to completely carry into effect the objects of this incorporation or the powers granted in this charter.

Sec. 8. The said directors shall have power to make such by-

laws, rules, and regulations for the government of the company, its officers, stockholders, and the protection of their property, as they may, from time to time, think proper.

Sec. 9. A failure to elect directors for said company, at any time fixed by this act, or the by-laws of the company, shall not operate as a dissolution of the corporation, but such election may be held at any time thereafter, and shall be valid.

Sec. 10. The company shall keep, or cause to be kept, proper books of accounts, in which shall be entered, the business transactions of the company, with such other books as may be necessary, all of which shall be subject to the inspection of the stockholders of the company.

Sec. 11. The stock of this company shall be considered personal property, and transferrable only on the books of the corporation. The directors shall cause to be issued, certificates of stock at such time as they shall see proper.

Sec. 12. After the election of the first directors, they may open and keep open, books for the subscription of stock, for such time, and at such places as they may think proper.

Sec. 13. The directors may, from time to time, make such dividends as they may think proper, and determine in what and the time when payable.

Sec. 14. The process against the corporation shall be the same as against natural persons, and be executed on the president or any director thereof, and further proceedings shall be the same as against natural persons.

Sec. 15. The stockholders shall be liable in their individual capacity, for the payment of all debts contracted by this company, and not paid in its corporate capacity; and the Legislature reserves the right to alter and amend this charter.

CHAPTER CCCXXII.

An act to incorporate the Vevay, Mount Sterling, and Versailles Turnpike Road Company.

[APPROVED JANUARY 4, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That David Lee, John S. Olmstead, John S. Roberts, Jonathan M. Froman, Perret Dufour, John Clark, Ulysses P. Schenck, Isaac Nash, George Hotchkiss, Lewis A. Clark, and Frederick L. Grisard, of Switzerland county, and Thomas Smith, Thomas Curry, A. W. Gordon, and Luther Shook, of Ripley county, be and they are

hereby appointed commissioners to open books at suitable places for subscription to the capital stock of a company, for the construction of a turnpike road from Vevay, by the way of Mount Sterling, in Switzerland county, to Versailles, in Ripley county, at any time within three months after the passage of this act: *Provided*, Said commissioners, or any three of them, shall give at least twenty days' notice of the time and place of opening said books by publishing the same in some newspaper printed and published in Vevay or Versailles, or both, as said commissioners may deem best for the interest of the company.

Sec. 2. Said commissioners shall determine at what point or points books shall be opened, and the length of time they shall continue open at each point, for subscription of stock to said company.

Sec. 3. The books of subscription to said stock shall contain the following entry and caption to be signed by subscribers to said stock, viz: "Vevay, Mount Sterling, and Versailles Turnpike Road Company. We, the undersigned, promise to pay the Vevay, Mount Sterling, and Versailles turnpike road company fifty dollars for each share of stock set opposite our names, to be paid at such times and in such sums as said company may direct without any relief whatever from valuation or appraisement laws."

Sec. 4. The capital stock of said company shall be fifty thousand dollars divided into shares of fifty dollars each, and said company is hereby empowered to increase the capital stock to any sum not exceeding one hundred thousand dollars.

Sec. 5. Certificates of stock shall be given to stockholders, signed by the president and countersigned by the secretary. The stock shall be transferable on the books of the company in such manner as said company may by by-laws prescribe, but the company shall at all times hold a lien on all stock for any dues from the stockholders thereof to said company, or for sums that may hereafter become due to said company on contracts made prior to such transfer.

Sec. 6. The stock of said company may consist of money, labor, materials, or such other property, either real or personal, as may be agreed upon by the board of directors after being elected. And whenever twelve thousand dollars shall have been subscribed as stock in said company, and not less than one dollar on each share shall have been paid to said commissioners it shall be their duty to order an election for directors of said company, to be held at some convenient place in the town of Vevay or Mount Sterling, as a majority of said commissioners shall determine, and at such time as they shall designate, giving at least ten days' notice thereof by publication in a weekly newspaper printed and published in Vevay or Versailles, or both, as said commissioners may determine.

Sec. 7. All subscription to the stock of said company other than cash shall be received only at such time and place as may be designated by the directors, and at such valuation as shall be fixed thereto by three disinterested appraisers to be appointed by the directors of said company.

Sec. 8. Said commissioners, or a majority of them, shall attend said election, and conduct the same by opening a poll and receiving votes between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., of said day, and after the voting shall have been closed they shall immediately open and count the ballots and shall disclose the number of votes cast, the number received by each individual voted for, and declare those who shall have received the highest number of votes duly elected directors.

Sec. 9. The directors of said company shall be nine in number, five of whom shall constitute a quorum for the transaction of business; all vacancies occurring in said board shall be filled by a majority of said directors, and the person appointed by said board shall serve until a new board shall be chosen and qualified: *Provided*, That no person other than a stockholder in said company shall be eligible to hold the office of a director, and every director thus chosen shall serve as such until his successor is chosen and qualified.

Sec. 10. At all elections for directors each stockholder shall be entitled to one vote for each share owned by him, and such votes shall be cast in person or by proxy appointed in writing and signed by said stockholder, and no stockholder shall be entitled to vote after the first election unless the stock by which he claims to vote shall have been held by him at least three months prior to such election; and no officer of said company shall vote at any election of directors, as agent, attorney, or proxy of any stockholder; neither shall any director be a contractor on said road.

Sec. 11. The said directors when elected, and their successors in office, are hereby constituted a body corporate and politic by the name and style "of the President and Directors of the Vevay, Mount Sterling, and Versailles Turnpike Company," and by such name may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity in any court of competent jurisdiction; and may make or adopt a common, seal and the same to alter at pleasure.

Sec. 12. The board of directors first chosen according to the provisions of this act shall meet at such time and place as a majority of the commissioners aforesaid may designate, whose duty it shall be to give said directors notice thereof within ten days after such election, at which meeting it shall be the duty of said directors to appoint one of their number president of said board, and they shall also appoint a secretary and treasurer of said company, whose duties, terms of service, and compensation shall from time to time be regulated by said board.

Sec. 13. Said board of directors shall at their first or some subsequent meeting fix the time for their next annual election of directors, not more than one year from the time of said meeting, and all subsequent elections for directors shall be held annually thereafter and conducted in such manner as the board may prescribe.

Sec. 14. One month's notice for the election of directors at each annual election shall be given by the publication thereof in a newspaper published in said counties, if any be published, and if none, then by written notices thereof posted up at five of the most public places along the line of said road and its branches hereinafter provided for.

Sec. 15. Each board of directors shall continue in office for a term of one year, and until a new board are chosen and qualified; and in case any annual election shall not be held on the proper day for holding the same, it shall be held at some early day thereafter to be fixed and appointed by the directors then in office, giving the same notice thereof as required to be given for elections regularly held.

Sec. 16. The aforesaid commissioners as soon as the first board of directors of said company shall have been organized or within ten days thereafter, shall deliver over to said board the subscription books of stock, and shall pay over to the order of said board all moneys or property received by them on such subscription, and in case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have destroyed or concealed any of said books with intent to defraud said company or any stockholder or stockholders thereof such commissioner or commissioners so offending, shall upon conviction thereof by presentment or indictment be fined in any sum not exceeding ten thousand dollars, and be imprisoned at hard labor in the state prison for a term of time not exceeding ten years nor less than one year.

Sec. 17. The board of directors of said company shall have power to supply vacancies in the office of president, secretary, and treasurer of said company and to meet from time to time as often as may be thought expedient; to adjourn from time to time as they may think necessary; to adopt and establish such rules and regulations and make by-laws not inconsistent with the laws of this State, as in their judgment the business of the company may require, and are necessary for the better organization of the company, and to enable them to do and perform their duties and carry out the designs of the powers granted by this act, and alter and amend at pleasure any by-laws of said company as the said board may deem necessary; to appoint all subordinate officers, engineers, agents, and workmen that may be necessary to carry out the objects of said company; to demand at such time and in such proportion not exceeding twenty per centum every six months, as they shall see fit, the sums of money or subscriptions in labor or materials due by stockholders on their respective subscription of stock, to be paid at such time and place as they may designate, by giving at least thirty days' notice thereof in a newspaper printed and published in the county of Switzerland or Ripley, or either or both as they may determine under pain of forfeiture to the company of the shares of their stock and all previous payments thereon or of such other penalty as may be prescribed by the by-laws of said company, or to sue therefor and recover the amount due in an action of debt or assumpsit in any court of competent jurisdiction; to issue proper

certificates of stock to the stockholders, and to determine in what manner and under what restrictions the shares of stock shall be transferable; to fix the compensation and prescribe the duties of the several officers and agents in the employ of the company; to require such bonds, obligation and securities from the treasurer, secretary, and other officers of the company as may be deemed necessary; to open and continue open, as long as necessary, books for the subscription of stock in said company; to acquire, purchase, sell, lease, and dispose of real estate, for the use of the company; to establish and construct toll houses, offices, mills and other necessary structures, fixtures, machinery, and apparatus for building and keeping in good order said turnpike road; to order and cause to be made all estimates, surveys, and lettings of work at such times and places as they may determine; to prescribe such form of contracts, rules, regulations and specifications for the performance of work as they may judge proper, to make and construct and keep in constant repair said road; to make and declare dividends of profits and income of said road and its appurtenances, mills, and such other sources of income as said company may have, among the stockholders, at such times as they may deem expedient; and do all other necessary and proper acts in accordance with the provisions of this act according to its true intent and meaning.

Sec. 18. The corporation by their agents shall have power from time to time, to examine, mark, and locate the route of said road from the town of Vevay, through Mount Sterling, to Versailles in Ripley county, with power to diverge from a direct line for the interest of the company and public convenience.

Sec. 19. And for the purpose of making such examination and location it shall be lawful for the corporation by their agents and persons in their employ to enter upon any lands to make surveys, and estimates, for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road.

Sec. 20. It shall be lawful for the corporation either before or after the location of any section of said road, to obtain from the person or persons through whose land said road may pass, a relinquishment of so much of said land as may be necessary for the construction of said road or location thereof, as also the stone, gravel, wood, timber, or other materials that may be obtained on said route, or near thereto, for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, or bequests made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location or otherwise, and for the benefit of such corporation, shall be binding and obligatory, and the corporation may have their action in law in any court of competent jurisdiction to compel the observance of the same.

Sec. 21. If any person or persons owning land over and upon which said road may be located shall refuse to relinquish the same

for the use of said road, and claim damages from said company, and no satisfactory contract can be made with such owner by said company therefor it shall be lawful for said company to give notice to some justice of the peace of the county, in which such land is situated, and such justice shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named therein and within ten days thereafter, and if the parties cannot then agree said justice shall issue a venire for summoning before him a jury of three disinterested men of the county, to be selected by said justice, and such jury, after having taken an oath or affirmation faithfully and impartially to assess the damages if any, shall view the lands upon which such damages are claimed, and shall determine the same duly considering the advantage and disadvantage of said road to said owner, and shall make report thereof to such justice, whereupon he shall enter judgment upon such report, from which judgment either party may appeal to the circuit court, but no appeal taken shall stay the proceedings of the company in opening and constructing such road over and upon such lands.

Sec. 22. If the owner is a minor or insane person, or shall reside out of the county where such land may be, said justice shall cause three notices to be put up in three public places within the township where such lands are situated, of the time and place of summoning such jury to make such appraisement, and if no person appear for such minor, insane person, or non-resident of the county, he shall appoint some disinterested person to act on behalf of such absentee, and shall then proceed, as in other cases, and in all cases costs shall be awarded in the discretion of the jury.

Sec. 23. In case said company shall require for the use of said road any stone, gravel, timber, or other materials from the land of any person adjoining on or near said road, and said company cannot contract with the owner for the same, said company may proceed in like manner to have the value of such materials assessed as is prescribed above for assessing the value of lands, except as to estimating the advantages of said road, and in any such case of lands and materials said company may take possession of and use the same immediately after having paid to the justice for the use of the owner of such land or materials the sum if any which may have been assessed therefor, notwithstanding any appeal which may be pending.

Sec. 24. That when said road, or any particular section thereof shall be located, it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the county auditor in the county where said road is located, and after that time it shall not be lawful for said corporation to alter or change the same or any part thereof, unless said corporation pay the owner or owners of the land on said route the amount of damage they may sustain by said change.

Sec. 25. That if said road after its completion, or any section

thereof, shall be suffered to decay, or be impassable one year, unless the same is repairing, this charter shall be considered as forfeited.

Sec. 26. If it shall be found convenient or advantageous to the construction or location of said road said company shall have the power to lay the same along or upon any State, county, or township road: *Provided*, That all State and county roads crossing said turnpike road shall be left open and free.

Sec. 27. The track of said road shall be constructed of timber, plank, gravel, broken stone, or other hard material, so that the same shall form a hard, smooth, and even surface; the particular manner of building said road shall be determined by the directors of said company: *Provided*, That said road shall be opened not less than 35 nor more than 60 feet wide, and the track of said road shall not be less than 16 feet wide: *And provided also*, That the track of said road may be made in whole or in part of plank and broken stone, or of either the one or the other, as the directors may deem most expedient for the interest of the company, and that part of said track made with plank shall not be less than eight feet wide, with proper turn-outs.

Sec. 28. Whenever three miles of said road is completed, said company may erect and keep a gate thereon, and so on for every additional three miles, until the whole is completed, and after said road is completed, said company may erect and maintain toll gates at such points and at such distances from each other, as they may deem proper, and the tolls charged upon said road, and payable at the gates erected thereon, shall not exceed the following rates, for every ten miles distance travelling thereon, and in proportion for any greater or less distance as follows: for every four wheeled coach, chariot, carriage, buggy, wagon, or other vehicle, drawn by one horse or other animal, twenty cents; for every horse or other animal in addition thereto, five cents; for every cart or two wheeled carriage, drawn by one horse or other animal, fifteen cents; for every horse or other animal in addition thereto, five cents; for every sled or sleigh drawn by one horse or other animal, ten cents; for every horse or other animal in addition thereto, five cents; for every horse and rider, ten cents; for every horse, mule, or ass, six months old or upwards, led or driven, three cents; for every head of neat cattle, six months old or upwards, two cents; and for each hog, sheep, or other animal, not hereinbefore enumerated, one cent.

Sec. 29. Said company may make, enact, and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel upon said road, and the rules to be observed by persons meeting or passing with wagons or carriages, and all other matters which may be deemed for the welfare of said company, and any person wilfully violating any ordinance or by-law made by said company shall forfeit and pay the sum of five dollars, to be sued for and collected

by said company in an action of debt, before any justice of the peace of the county where the delinquent or offending party may be found.

Sec. 30. Said company shall put up a stone or post at the end of every mile, with the number of miles from Vevay cut or painted thereon, and also at or near each gate they shall place a board with the rates of toll painted or printed thereon.

Sec. 31. Dividends of profits shall be made semi-annually, among the stockholders, on the first Monday in March and September, in every year.

Sec. 32. No person shall drag along or across said road any log, wood, or timber, so that said log, wood, or timber comes in contact with said road, when made of plank or timber, under a penalty not exceeding twice the amount of damage done, to be sued for and collected by said company for their own use.

Sec. 33. Any person wilfully or negligently destroying, defacing, or removing any guide-board, mile-post or stone, or list of rates of toll, or any toll gate erected on said road, or removing any plank, board, or other materials, which have been used in the construction of said road, shall on conviction thereof before any justice of the peace, or court having competent jurisdiction, forfeit and pay any sum not exceeding one hundred dollars, to be recovered with costs of suit in an action on the case at the suit and for the use of the corporation.

Sec. 34. If any toll-gatherer or gate-keeper on said road shall unwarrantably detain any person or passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit, before any justice of the peace having jurisdiction, within twenty days after the occurrence, by the party aggrieved.

Sec. 35. If any person or persons using any part of said road, shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road, to avoid any toll-gate, or shall make any untrue statement as to the distance he or they may have travelled or intend to travel on said road, or shall practice any fraudulent means, and thereby lessen or avoid the payment of toll, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to said company the sum of ten dollars, which shall be recovered in the name of said company, in an action of debt, before any justice of the peace of the county where the offender may be found, and shall be collected without any regard whatever to valuation or appraisement laws: *Provided*, Nothing herein contained shall prevent any person or persons residing on or near the line of said road from passing thereon between the gates about their premises, for common or ordinary business.

Sec. 36. If any agent, treasurer, toll-gatherer, or other person, to whose possession or custody any of the moneys of said corporation shall come shall convert any of the said moneys to his own

use, or make way with the same in any way, he shall be deemed guilty of embezzlement, and shall be punished upon indictment found in the same manner as if he had stolen the amount so embezzled: the neglect or refusal of any such person to pay over on demand to said company, or their agent, any moneys in his hands belonging to said company, shall be deemed *prima facia* evidence that he has embezzled the same.

Sec. 37. Said company may, whenever the board of directors shall deem it to be the interest of said company, make branches of said road in any direction through said county of Switzerland, and to such points in the county of Switzerland, as they may determine.

Sec. 38. No tolls shall be exacted of any person or persons while actually going to or returning from militia mustering, from any religious meeting on the Sabbath, or from any legal voter going to or from any state, county, or township election, by any toll gatherer within the township in which said voter may reside, or from any person or persons forming a funeral procession, or returning from a burial.

Sec. 39. The said company may purchase and hold lands to the value of ten thousand dollars, over and above such lands as may be necessary in the construction of said road.

Sec. 40. This act shall be deemed and taken as a public act, and shall be liberally construed, and shall take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to transmit a certified copy thereof to the clerk of the Switzerland circuit court, within ten days after its passage.

CHAPTER CCCXXIII.

An Act supplemental to an act entitled an act to incorporate the town of Mount Vernon, approved 27th January, 1847.

[APPROVED JANUARY 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and trustees of the town of Mount Vernone shall have power to levy and collect annually, an *ad valorem* tax upon all property, real, personal, and mixed, and upon all money, choses in action, and stocks in incorporated companies, taxable for State or county purposes, and situated within said town, or owned, possessed, or used therein.

Sec. 2. That said president and trustees shall have power to

borrow, in the name and upon the faith and credit of the said corporation, and upon such terms and at such rate of interest as to them shall seem best, any sum of money not exceeding ten thousand dollars, to be appropriated exclusively to the construction of a wharf on the river bank at said town, and to the purchasing or quieting the title to such lots or ground as it may be found necessary to so purchase or quiet the title to, in order to the proper construction and convenient use of said wharf, and when any money is so borrowed, the said corporation shall have power to cause bonds or written agreements for the payment of the same to be made on behalf of said corporation, and signed by the president and attested by the clerk thereof: *Provided, however*, That no bond shall be issued for a less sum than twenty-five dollars, nor at any greater rate of interest than six per centum per annum.

Sec. 3. That said president and trustees shall have power to raise any sum of money not exceeding ten thousand dollars for the purposes specified in the second section of this act, by making and issuing bonds of said corporation, signed by the president and attested by the clerk thereof, which bonds shall be for such sums and payable at such times, and bear such rate of interest, and be sold, disposed of, or issued upon such terms and conditions as to the said president [and] trustees shall seem proper.

Sec. 4. That the president and trustees of the town of Mount Vernon shall have full power and authority to enter upon, take, and appropriate to the public use all lots and real estate lying between the Ohio river and Water street, or the street nearest to and parallel with the river and west of Main street, and east of Store street in said town, and which the corporation shall find it necessary to so enter upon, take, and appropriate, in order to the proper construction and convenient use of a wharf extending along the bank of the Ohio river from the east side of Main street to the west side of Store street aforesaid.

Sec. 5. That the said corporation shall, before entering upon any real estate, or appropriating the same as above provided, pay to the owner thereof the fair cash value of the same, to be fixed by an agreement with such owner, or by a jury to be summoned as hereinafter provided.

Sec. 6. In case the owner of any such property and the said corporation cannot agree as to the price thereof, or if the owner or owners of any such property be incapable of selling or conveying the same, it shall be lawful for the said corporation to cause a complaint to be filed before a disinterested justice of the peace of the township in which such property is situated, stating therein the name or names of the owner or owners of such property, his, her, or their incapacity or unwillingness to sell and convey the same, and the necessity of appropriating the same to the public use in the construction or use of said wharf, and thereupon such justice shall issue to some disinterested constable of such township, or to the sheriff or coronor of Posey county, if he be disinterested, a

venire, commanding such officer to summon twelve disinterested and competent jurors of such township to appear before said justice, and after actual view of the property mentioned in said complaint, and hearing such evidence as may be properly adduced by the parties, to assess the value in cash paid down of such property, and the damage which the owner or owners thereof will probably sustain by reason of such property being taken and appropriated to the public use as aforesaid.

Sec. 7. When said jury shall have agreed as to the value of such property and the amount of such damages, they shall make return thereof in writing to said justice of the peace, such writing being signed by all said jurors, and the same shall be recorded on the docket of said justice, and a certified copy thereof may be recorded in the recorder's office of said county: *Provided*, That said justice may, in his discretion, issue a new venire and cause a reappraisement of any such property and damages: *And provided, also*, That an appeal may be taken to the circuit court or probate court of Posey county, where like proceedings shall be had as before the justice: *And provided further*, That in all proceedings had under this act, whether before a justice or in the probate or circuit court, the said corporation shall pay all costs, unless for good cause such court or justice shall adjudge otherwise.

Sec. 8. In assessing damages as above provided, the jury shall take into consideration as well the benefit as the injury to be done to the owner of the property in question by the construction of said wharf, and the use thereof by the public.

Sec. 9. In case any owner of property described in a complaint filed as aforesaid, be an infant, or idiot, or lunatic, notice of the filing of said complaint and of the time and place when and where the jury summoned as aforesaid, for the purpose aforesaid, will meet, shall be served at least twenty days prior to such meeting, upon the guardian of the person or estate of every such infant, idiot, lunatic, if there be any such guardian in this State, and if there be no such guardian, then some competent person, whose interests are not adverse to those of his ward, shall be appointed by the court or justice before whom such complaint is pending, guardian *ad litem* of such infant or insane person, and the notice aforesaid shall be served upon such guardian *ad litem*, and it shall be the duty of every such guardian to attend personally or by attorney the meeting of said jury, and faithfully and diligently attend to and protect the interests and rights of his ward.

Sec. 10. If the owner of the property described in said complaint be a resident of this State, the notice mentioned in the ninth section of this act shall be served upon such owner, whether an infant or not, unless he or she be insane. If such owner do not reside in this State, said notice shall be served on his or her agent having the care of said property, if there be one in this State, and if there be no such agent and the name and residence of such owner be known, a copy of said notice shall be served on such owner personally or mailed and directed to such owner or to the care of some friend or relative of such owner, in such manner as will be likely to secure the due delivery of said copy to such owner, but if the name or residence of such non-resident owner be unknown, and that fact be made to appear by an affidavit of a disinterested person filed, the court or justice, as the case may be, shall cause sixty days' notice of the pendency of said complaint to be given by publication in a public newspaper of general circulation, which notice shall state the object of the complaint, and describe the property mentioned therein; any sheriff or constable shall be competent to serve any notice provided for by this act, and his return shall be *prima facie* evidence of such service, but if any such notice be served by any other person, such service shall be proved by affidavit filed.

Sec. 11. After the payment by said corporation of the price of any real estate, fixed by a jury as aforesaid, and after the payment of the damages (if any) assessed as aforesaid, the said corporation shall have full power to immediately enter upon such real estate for the purposes contemplated by this act, and upon a bill filed by said corporation in any court of competent jurisdiction, against the owner of any real estate, the price of which has been agreed on or fixed by a jury as aforesaid, the said court shall decree and compel a conveyance of such real estate in fee, (or otherwise according to the estate of the defendants), to said corporation, and may appoint a commissioner to make such conveyance, if the defendant is either incompetent or fails to do the same: *Provided*, That such conveyance shall not be decreed, if it appear to the court that the conduct of said corporation, its agents and attorneys, has not been in all things fair and just, nor unless it shall appear that the price agreed upon or fixed as aforesaid, and the damages (if any) have been fully paid.

Sec. 12. The fact that any person resides or owns property in said town of Mount Vernon, shall not alone render such person incompetent to sit or act as a justice, [judge,] or juror, or to testify as a witness in any proceeding contemplated by this act.

Sec. 13. If in any bill in chancery, filed as above provided, there be any infant or insane defendant to whom money is payable either as the price of property or damages, or any *feme covert* defendant or any other defendant who refuses to receive the money due him or her, or who is absent, so that a tender thereof cannot be made, payment of the money into the court at any time before a hearing of the cause shall be sufficient to authorize a decree, as in case of actual payment to the party entitled thereto.

Sec. 14. This act shall be in force from and after its passage.

CHAPTER CCCXXIV.

An act to incorporate the town of Bellville, Hendricks county.

[APPROVED JANUARY 8, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jonathan Cope, Anthony W. Shiveley, Lawrence A. Johnson, John E. Johnson, and David E. Carter, be, and they are hereby appointed trustees of the corporation of the town of Bellville, in the county of Hendricks, and State of Indiana, to serve as such until the fourth Monday of January, 1850, and until their successors are elected and qualified as hereinafter provided.

Sec. 2. That said trustees shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, preserve order, put all questions, and upon equal division of the board give the casting vote; and the said trustees shall appoint all officers necessary to carry into effect the provisions of this act, and make such compensation for their services as to them shall seem reasonable and right; they shall also have power to allow themselves reasonable compensation for their services.

Sec. 3. That the said president and trustees of said town of Bellville, and their successors in office, shall be, and they are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of "The President and Trustees of the town of Bellville," and by their corporate name shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court having competent jurisdiction, and shall have power to make, have, and use a common seal, and the same to alter, amend, and break at pleasure; to ordain, establish, and put into execution, and carry into effect, such by-laws, rules, ordinances, and regulations necessary and proper for the benefit, convenience, good government, and policy of said town.

Sec. 4. That the said president and trustees shall have power to lay off said town into as many wards as said president and trustees may deem necessary, should they deem it expedient to do so; and on the fourth Monday of January annually, there shall be an election, at some convenient place in said town, to be designated by said president and trustees, at which election there shall be elected seven trustees for said corporation, and each white male citizen of said town who shall have the qualifications of a voter for State and county officers, and shall have resided in said town three months next preceeding such election, shall be entitled to vote at the same; ten days' previous notice of which election shall be given by the president and trustees aforesaid, by public notice set up in three of the most public places in said town, designating the time and place of holding such election.

Sec. 5. The president and trustees, at their meeting preceding the annual election of trustees, shall appoint an inspector of elections, whose duty it shall be to attend the same, and call to his assistance two other qualified voters who shall be judges of said election, and they shall appoint two clerks of the same, all of whom, after taking an oath or affirmation, which oath or affirmation may be administered by said inspector to said judges and clerks, and by one of said judges to said inspector, faithfully to discharge their respective duties, shall proceed to receive votes between the hours of ten o'clock, A. M., and six o'clock, P. M., on said day; the judges shall determine the legal qualifications of voters, for which purpose the inspector may administer to the voter the necessary oath; if the said inspector shall not be present at the proper time of opening such election, the electors present may choose one to act in his place, or if the electors fail to meet and elect, the corporation shall not be thereby dissolved, but the president and trustees then in office shall continue in office until others, their successors, shall be elected at an annual election and qualified.

Sec. 6. It shall be the duty of the inspector and judges of such election, to certify under their hands and seals the seven persons who received the highest number of votes, which certificate shall be filed and kept on record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the seven persons elected, which certificate shall be sufficient authority for such person to take his seat as a trustee. In case there should be a tie between any persons at such election, the result shall be determined by lot, to be drawn by the judges. The trustees elected as above directed, or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation faithfully, diligently, and impartially to discharge their duties as trustees, shall elect one of their body to preside as in the second section of this act provided; in case of his absence at any meeting of the board, they shall appoint a president *pro tem.* No person shall be eligible as a trustee unless he is a qualified voter, and resides within the limits of said corporation. When vacancies happen by death, resignation, refusal to serve, or otherwise, such vacancy shall be filled by appointment of the trustees until the next annual election. A majority of the trustees, including the president, shall at all times form a quorum; they shall meet on their own adjournments, and appoint their officers as provided in section second of this act.

Sec. 7. It shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature, and also to sign the records of all by-laws, and journals, and minutes of their proceedings; and at the first meeting of the president and trustees after the taking effect of this act, and after each annual election, as soon as may be convenient, they shall elect or appoint a clerk and treasurer, and also a marshal of said corporation, should they think it expedient to do so, each of whom shall serve one year and until their successors shall be chosen and qualified, and shall possess the

qualifications of voters, and take an oath similar to that taken by the trustees, give bond and security payable to said president and trustees in the penal sum of five hundred dollars, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of such bond, they shall be liable to the suit of the president and trustees aforesaid, on said bond against them and their security, who may assign breaches of the condition of such bond, and recover a judgment for any default in the discharge of any of the duties of such officers, together with full costs of suit, and ten per centum damages, if suit be brought for the non-payment of money due said corporation, in any court having competent jurisdiction, and on which judgment there shall be no stay of execution; and such judgment shall be collected without any regard to the valuation or appraisement laws.

Sec. 8. The president and trustees shall have power to levy and collect annually of each male inhabitant of the town subject to pay a county poll tax, any amount not less than twenty-five cents, nor more than one dollar; and on real estate and personal property a tax not exceeding one-half of one per centum on its valuation; and they may in their discretion levy and collect from owners and keepers of dogs within the corporation a tax of not less than fifty cents nor more than two dollars; and on all shows, exhibitions, or amusements, which may be exhibited for gain within the bounds of the corporation, not less than one nor more than ten dollars for every exhibition; and the said board shall have power to pass such laws or ordinances as may be necessary to guard against damages by fire, to regulate and govern the markets, to prevent the erection of public nuisances and remove the same, and generally to enforce, by proper penalties, the observance of all laws and ordinances relative to the policy and government of said incorporated town; they shall have power to establish the grade of the streets, to improve and keep in repair, and remove any obstructions in the streets, alleys, side-walks, public squares, and commons in said town.

Sec. 9. The powers of the corporation for the purpose of raising a revenue by taxation, (except the tax upon shows, exhibitions, and amusements mentioned in the eighth section of this act,) shall be confined to the limits of the town plat, as the same is recorded in the Recorder's office of Hendricks county, and to the limits of all the additional plats, which have or may hereafter be laid off, of town lots adjoining thereto, and the said corporation may extend its jurisdiction for all legitimate purposes, one full half mile beyond the limits aforesaid; and said corporation is hereby authorized and empowered to exercise full and ample jurisdiction over all streets and alleys of said town.

Sec. 10. The clerk shall attend all meetings of the board of trustees; shall make a record of all their proceedings in a book kept for that purpose, enter in said book all laws and ordinances passed by said board; and, when the board of trustees shall direct, it shall be the duty of the said clerk to procure from the county auditor an

abstract of all the taxable property, within the bounds of the plat of said town, subject to taxation by the provisions of this act, which abstract shall govern so far as practicable said clerk in making out his duplicate: *Provided, however*, That said board of trustees shall have power to reduce the amount of the valuation of personal property contained in said abstract, if they shall be satisfied that the same was assessed upon property not within the limits of the corporation, and the said board may add to the amount of the valuation of personal property, whenever they are fully satisfied that justice requires it.

Sec. 11. The president and trustees shall cause the clerk before the first Monday in October in each year, to make out a fair list, in alphabetical order, of all persons taxable with a poll-tax, personal property, and with real property, or other tax, with the valuation of real and personal property, setting forth the owner's name, if known, the amount of tax chargeable to each person, and shall deliver the same within thirty days thereafter to the marshal, a duplicate copy of which duplicate or tax list shall be kept on file by the clerk in the office of the board, such list, so put into the hands of the marshal, certified by the president and attested by the clerk, shall be sufficient authority for the marshal to collect the same.

Sec. 12. It shall be the duty of the marshal to receive the amount of taxes due from each individual, on or before the first day of January next after the receipt by him of said duplicate, and pay the same over immediately to the treasurer; and in all cases where the taxes assessed are not paid by that time, it shall be the duty of the marshal to proceed and collect the same by distress and sale of any of the personal property of such delinquent, subject to execution by the laws of this State, without regard to valuation or appraisement laws, by giving ten days' notice of the time and place of such sale by setting up three advertisements in the most public places in said town; and the marshal shall be authorized to charge the same fees for advertising and selling as is allowed constables for similar services, and may adjourn his sale from day to day for three days, and if at the final adjournment of his sale any of the taxes remain unpaid, he shall return the same as delinquent at the time of his settlement with the board of trustees; and the clerk shall add the same to the duplicate for the next year if the same shall have been assessed upon personal property, poll-tax, or a tax upon dogs.

Sec. 13. The marshal shall, on the first Monday of February, or sooner if required so to do by the board of trustees, make a full return of the amount of taxes collected by him to the clerk of the board of trustees, together with a list of the delinquent taxes on the duplicate, noting distinctly whether the delinquency occurred upon the assessment of real estate or otherwise; which return the said clerk shall file in the office of the board of trustees.

Sec. 14. When the tax on any real estate, hereby authorized to be levied and collected, shall be returned delinquent, the board of trustees shall direct the clerk of said board to make out a list of such

delinquent taxes; which delinquent list, when signed by the president and attested by the clerk, shall be delivered to the auditor of Hendricks county, whose duty it shall be to charge the same in his duplicate to the person so delinquent, stating the owner's name, if known, in the same manner as the tax for State and county purposes, to be collected by the county treasurer at the same time and in the same manner as State and county taxes are collected, and to be paid over by him to the treasurer of said corporation, upon the order of the board of trustees attested by the clerk. And the same lien which attaches to real estate, for State and other taxes as is now provided, or may be hereafter provided by law, shall in like manner attach for corporation taxes; and the law in relation to the redemption of real estate when sold for State and county taxes, shall also apply to the corporation taxes herein specified.

Sec. 15. All bonds given by the corporation, and all contracts entered into with the corporation, shall be in the name of "the President and Trustees of the town of Bellvlle," and all suits commenced for the benefit of the corporation shall be in the name of "the President and Trustees of the town of Bellville," without setting forth the name of any member thereof.

Sec. 16. It shall not be lawful for any person, within the bound of the corporation, nor within one half mile of the limits of said town, to sell any spirituous liquors by a less quantity than one quart at a time, or keep what is called a tippling house, unless such person or persons shall, in addition to a license obtained from the board doing county business, obtain a license from the trustees of said town, who are hereby authorized to grant the same to such applicant, for one year, such applicant paying into the treasury of the corporation a sum not less than fifty nor more than one hundred dollars, at the discretion of said board of trustees; and if any person shall sell any spirituous liquors contrary to the provisions of this act, or shall keep a tippling house within the bounds of said corporation, without such license obtained from the board of trustees, the person or persons so offending shall forfeit and pay to the treasurer of said corporation the sum of ten dollars for each offense, or for each day he may so keep such tippling house, to be recovered in an action of debt in the name of "The President and Trustees of the town of Belleville," before any justice of the peace having jurisdiction thereof, for the use of the corporation: *Provided*, That whenever a majority of the adult white inhabitants of the said corporation shall, by remonstrance in writing, directed to the trustees of the incorporation, signify their desire that no ardent spirits, wine, or malt liquor, or either of them, shall be sold or given away, in any quantiiy whatever, within said corporation, nor within one full half mile of the limits of said town plat, then it shall be lawful for said board of trustees, and they are hereby authorized and empowered to pass an ordinance prohibiting the selling, or giving away, of either ardent spirits, wine, or malt liquors, or any or them, within the said town, or within one half mile of the limits thereof, in any quantity whatever, except for medicinal, or mechanical, or religious purposes, under such forfeitures as may be prescribed by said board of trustees in such ordinance, and such ordinance, except as to the amount of forfeiture, which said board may change at any time, shall remain in full force until superseded by petition, signed by a majority of the adult white inhabitants of said corporation; and this section shall be deemed to extend to and to apply to taverns, as well as groceries and coffee houses: *And provided, further*, That no person not a resident of such corporation shall be liable for violating such ordinance, unless such non-resident shall have been, prior to such violation, specially advertised or informed of the existence of such ordinance.

Sec. 17. The marshal of said corporation shall be, by virtue of his office, supervisor of roads in said corporation, and shall cause every male inhabitant of said corporation, not exempt by law from working on roads, to work under his supervision on the streets and alleys of said town, and on all roads within one full half mile of the limits of said town, at least four days in each year, and in notifying hands to work, and in collecting forfeitures for failing to work, said marshal shall in all things be governed by the general laws which may be in force relative to work on public highways: *Provided*, That the inhabitants of said corporation shall not be required to perform labor on roads without the limits in this section specified: *And provided, further*, that said board may reduce the amount of labor to be performed to not less than two days in each year, at their discretion.

Sec. 18. All taxes, forfeitnres, and other moneys collected for the use of said corporation shall be, by the board, appropriated to the improvement of the streets, alleys, and side walks of said town, and for such other purposes as said board may direct, and it shall be lawful for said board to make such allowance to their officers, for services from time to time, as they may deem proper, to be paid out of the treasury of the corporation.

Sec. 19. It shall be the duty of the marshal to see that all the ordinances of said board be enforced, for which purpose he is hereby clothed with all the powers of a constable, in the service of all writs or process for the violation of any of the provisions of this charter, and all executions for the collection of any judgment in favor of the said corporation.

Sec. 20. No person shall be incompetent to be a witness in suits for the violation of any by-law or ordinance of the president and trustees, because such person is a citizen of the town, and a copy of the record kept by the clerk of all by-laws, ordinances, and other proceedings of the board of trustees, signed by the president and certified by the clerk, shall be sufficiently authenticated to be admitted as evidence in any court of this State.

Sec. 21. The treasurer shall have the custody of all the moneys of the corporation, and pay over the same to the order of the president and trustees; he shall also report to them the condition of

the treasury when required so to do: *Provided*, That no money shall be paid out of the treasury of said corporation, except upon the order of said board, attested by the clerk.

Sec. 22. All laws and ordinances passed by the president and trustees, of a public nature, shall be published by setting up printed or written copies thereof, signed by the president and attested by the clerk, in three of the most public places in the corporation, ten days before the same shall be in force; and said board shall cause a full statement of the receipts and expenditures of the past year, annually, on the first day of March, to be posted up in one of the most public places in said town.

Sec. 23. The times hereinbefore stated, when elections shall be held, and certain other acts shall be done, are directory only, and no election or other act shall be void, because the same was not held or done on any particular day.

Sec. 24. This act shall be taken and deemed to be a public act, and it shall not be necessary to plead the same specially in any court in this State, and shall be in force from and after its passage, and all acts heretofore passed for the incorporation of said town and all acts amendatory thereto are hereby repealed.

CHAPTER CCCXXV.

An act to incorporate the Fort Wayne and Piqua Plank Road Company.

[APPROVED JANUARY 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Michael Hedakin, Allen Hamilton, Samuel Hanna, John Hough Jr., Francis D. Lasselle, Henry Rudesill, and Franklin P. Randall of Allen county, Samuel L. Rugg, John K. Evans, and Joseph D. Nuttman of Adams county, and their successors in office duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the "Fort Wayne and Piqua Plank Road Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any and all courts of justice whatever, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same not inconsistent with the laws and constitution of this State.

Section 2. The Fort Wayne and Piqua Plank Road shall commence at or near the north line of section twenty-six, in township thirty-one north, of range twelve east, and run southerly, striking the Piqua Road on the section line dividing sections eleven and twelve, in township thirty north, of range twelve east, in Allen county, following said road with full power to diverge from it when necessary to straighten the same, to the southern boundary of said county, which is the southern termination of said road; *Provided, however*, that if a sufficient amount of stock is subscribed under the direction of this board, said road may be continued southerly through Adams county by way of Monmouth, Decatur, and Pleasant Mills, to the Ohio State line; *And provided also*, at the option of said board of directors aforesaid, should a sufficient amount of stock be subscribed, said company may construct a branch from any point on the said Piqua State road to Bluffton, in Wells county, under the same rules, restrictions, and privileges as are herein provided, except as to location which shall be determined by said company.

Sec. 3. The capital stock of said corporation shall be twenty thousand dollars divided into shares of twenty dollars with power to increase the capital stock if necessary to accomplish the objects herein named.

Sec. 4. The directors may determine the particular manner of construction so as to secure and maintain a smooth and permanent road, the track of which shall be made of plank or timber, or other hard material, so that the same shall form a hard and even surface.

Sec. 5. The directors of said company shall proceed to locate and lay out said road and may locate the same over and upon any State and county road, or other public highway, and thereupon such State or county road, or other public highway, or such portion thereof as may be so occupied and appropriated by said company, shall be and become the property of said company for the purpose of making and maintaining said road and the gates and toll houses thereon.

Sec. 6. The company may take releases and conveyances of the necessary lands of any and all persons over whose lands the road may be located, and any such releases or conveyance may be made and executed by any infant, feme covert, guardian, executor, or administrator, and shall be valid and effectual in law by obtaining the consent of the proper probate court thereto.

Sec. 7. For the purpose of locating and constructing said road, it shall be lawful for such company by their agents, or persons in their employ, to enter upon any lands to make surveys and estimates, and to take from the land occupied by said road any stone, gravel, timber, or other materials necessary to construct said road and the bridges thereon.

Sec. 8. If any person owning lands over and upon which such road shall be located shall refuse to relinquish the same for the use of said road, and in case said company shall require for the use of said road any stone, gravel, or other materials from the land of any person adjoining on or near said road, and no satisfactory contract

can be made by said company with such owner of lands or material therefor, it shall be lawful for such company to give notice to some justice of the peace of the proper county, and such justice shall thereupon summon the owner of such land or material, if a resident of the county, to appear before him on a day to be named therein, and within ten days thereafter, and if the parties cannot then agree, said justice shall issue a venire for summoning before him a jury of three disinterested men of the county to be selected by said justice, and such jury, after having taken an oath or affirmation faithfully and impartially to assess the damages if any, shall view the lands or materials upon which such damages are claimed, and shall determine the same duly considering the advantages of said road to said owner, and shall make report thereof to said justice, whereupon he shall enter judgment upon such report, from which judgment either party may appeal to the circuit court.

Sec. 9. If the owner be a minor, insane person, or shall reside out of the county, where such land or materials may be, such justice shall cause three notices to be put up within the township where such lands or materials are situated of the time and place of summoning such jury to make such appraisement, and if no person appears for such minor, insane person, or non-resident of the county, such justice shall appoint some disinterested person to act on behalf of such absentee and shall then proceed as in other cases, and in all cases costs shall be awarded in the discretion of the jury.

Sec. 10. If said road after its completion or any part thereof shall be suffered to be out of repair so as to be impassable for the space of one year unless when the same is repairing, said company shall be liable to be proceeded against by quo warranto, and if such company shall suffer the road to be out of repair to the hindrance or delay of travellers for an unreasonable length of time, they shall have no right to collect tolls thereon until the same is repaired.

Sec. 11. It shall be lawful for the directors to require payment from subscribers to the capital stock of the sums subscribed by them at such times and in such proportions, and on such condition as they shall see fit, under the penalty of the forfeiture of their stock, and of all previous payments thereon, or under such other penalty or forfeiture as said company may by by-law prescribe; and they shall give notice of the payments thus required, and of the time and place when and where, at least three weeks previous to the time when such payment is required to be made, in a newspaper printed in the county, or some one of the counties in which said road may be located; or if no newspaper is printed in such county, then by posting up three written or printed notices at the most conspicuous places near where the road is proposed to be located and at the court house of said county.

Sec. 12. Whenever five consecutive miles of said road shall have been completed the directors of said company may erect toll-gates at such points and at such distances from each other as they may deem proper, and exact toll from all persons traveling on said

road not exceeding the following rates: For every sled, sleigh, carriage, or vehicle drawn by one animal, two cents per mile, and for every animal in addition thereto, one-half cent per mile; and for every horse and rider, or led horse, one cent per mile; for every score of sheep or swine three cents per mile; and for every score of neat cattle, mules, or asses five cents per mile.

Sec. 13. Said company may make, enact, and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel upon said road, and the rules to be observed by persons in meeting or passing with teams and vehicles, and all other matters which may be deemed for the welfare of said company. Any person violating any ordinance or by-law made by said company shall forfeit and pay to said company the sum of five dollars, to be sued for and collected by said company in an action of debt before any justice of the peace of the county where the offender may be found.

Sec. 14. If any toll-gatherer or gate-keeper on said road shall unreasonably detain any person or passenger after the toll has been paid, or shall demand or receive any greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having jurisdiction by the party aggrieved, within twenty days after the occurrence.

Sec. 15. If any person or persons using any part of said road shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road to avoid any toll-gate, or shall make an untrue statement as to the distance he or they may have traveled or intend to travel on the road, or shall practice any fraudulent means, and thereby lessen or avoid the payment of tolls, each and every person concerned in such fraudulent practice shall for every such offence forfeit and pay to said company the sum of three dollars, which shall be recovered in the name of said company in an action of debt before any justice of the peace of the county where the offender may be found: *Provided*, Nothing herein contained shall prevent persons residing on or near the line of said road from passing thereon between the gates about their premises for common and ordinary business.

Sec. 16. If any agent, treasurer, toll-gatherer, or other person to whose possession or custody any of the moneys of said company may come or be, shall convert any of said moneys to his own use, or make way with the same in any way, he shall be deemed guilty of embezzlement, and shall be punished upon indictment found in the same manner and to the same extent as if he had stolen the amount embezzled. The neglect or refusal of any such person to pay over on demand to said company or their agent any moneys in his custody or possession belonging to such company, shall be deemed *prima facie* evidence that he has embezzled the same.

Sec. 17. Upon execution issued upon any judgment or decree, rendered either in favor of said company against any person or

persons, or in favor of any person or persons against said company, property shall be taken and sold for the highest and best price it may bring, and without any valuation or appraisement.

Sec. 18. The company may purchase, hold, sell, and convey any lands given or subscribed as stock in said road, to an amount equal to the cost of said road over and above the lands occupied by said road, and the necessary toll-houses for the use of said road.

Sec. 19. It shall be lawful for all persons of lawful age, or for the agent of the county of Allen, Adams, or Wells, in behalf of the same, to subscribe for any amount of capital stock of said company, and books shall be kept open for such purpose for the space of thirty days or longer if the amount of capital required for the purpose is not subscribed in that time: *Provided, however*, That in case of an excess no one shall be allowed to subscribe more than one thousand dollars, in which case all subscriptions shall be reduced in proportion to the amount required.

Sec. 20. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree upon and organize said corporation by electing one of their body president, &c., and after such organization a majority of said board shall be a quorum to do business.

Sec. 21. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations and all orders for the payment of such allowances as may be made to their officers and all others in their employment, which journal and proceedings shall, from time to time, be signed by their president; they shall sit upon their own adjournments, or on the call of the president; when the president is absent they may appoint a president *pro tempore*, and shall fill all vacancies that may occur in their body.

Sec. 22. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such places as they may choose, due notice of which shall be given, in each of which books, the following entry shall be made:

"We, the undersigned, promise to pay the sum of twenty dollars for each share of stock set opposite our names, in labor, materials, land, or money, (the value of the first to be settled by the board of directors,) in such manner and at such time and proportion, as the president and directors of the Fort Wayne and Piqua Plank Road Company may direct. Witness our hands, this day of A. D. 18 ."

Sec. 23. The corporation shall have power, upon their own credit, to borrow money upon such terms, or raise means in such other way as may be agreed upon by the parties, or seems necessary to complete such road, as is contemplated in this charter.

Sec. 24. As soon as fifty shares are subscribed, it shall be the duty of the corporation to give three weeks' notice thereof, in the nearest newspaper printed in the vicinity of said contemplated road, and in such notice, to appoint a time and place for the stockholders to meet and elect seven directors who shall be stockholders and citizens of the State, which election shall be held within three months after the last share in the fifty shares shall be subscribed for, and shall be conducted by two judges appointed by the stockholders present, and the person having a plurality of the votes given and counted in public, shall be declared duly elected; no share shall have a right to vote at any election, (after the first,) unless the same shall be held one month previous to the election; in all elections one share shall entitle the holder to one vote only; and votes may be given by persons holding the same, or by one of any partners, or by the husband, father, mother, executor, or administrator, trustee, or guardian, or any person having a right to vote may vote by proxy.

Sec. 25. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they can conveniently, and elect one of their own body president, and directors thus elected, shall continue in office until the next annual election and until their successors are elected and organized.

Sec. 26. All elections after the first, shall be held on the first Tuesday of Dec., annually, under the direction of the [three] stockholders not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present, of which election, notice shall be given; *Provided*, That if from any cause whatever, there shall be no election held on the day appointed, it shall be lawful to hold the the election on any other day to be designated by the directors.

Sec. 27. Certificates of stock shall be given to the stockholders which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. Stock shall be transferrable on the books of the corporation, only personally or by an agent or attorney, or by the administrators, executors, trustees, or guardians, but such stock shall, at all times, be holden thereof, to the corporation, or for any sum that may thereafter become due, on a contract made prior to such transfer.

Sec. 28. The corporation shall require of all officers, and others in their employment bond, with security to their acceptance with such penalty or penalties as they may think proper for the faithful performance of their respective duties.

Sec. 29. That when said road or any particular section thereof, shall be located, it shall be the duty of said corporation, to cause plat or plats thereof, to be deposited in the office of the county auditor, in the county where such road is located.

Sec. 30. The corporation shall commence the construction of

said road within three years, and complete the same within eight years.

Sec. 31. The company shall put up a post or stone, at the end of every mile, with the number of miles from the place where the road may commence, fairly cut or painted thereon, and also, in a conspicuous place near each gate, shall be placed a board with the rates of toll fairly painted thereon, and all other matter necessary in relation to direction.

Sec. 32. Any person wilfully or negligently destroying, defacing, or removing any guide board, mile post or stone, or doing any injury to said road, or list of rates of toll created on said road, shall, on conviction thereof, before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case at the suit, and for the use of the corporation.

Sec. 33. The corporation shall cause to be kept a fair account of the whole expense of making and repairing the road, or any section thereof, with incidental expenses, and also a fair account of the tolls received, and the books of the corporation shall always be kept open for the inspection of the stockholders of said company.

Sec. 34. The directors that may contract any debts over and above the amount of stock secured, shall be individually liable in their individual capacity, for the payment of all dues to laborers for work done upon said road, which shall not have been paid when due, by the company in its corporate capacity.

Sec. 35. This charter shall be limited to fifty years in its duration, and be in force from and after its passage, and be liberally construed for all beneficial purposes.

CHAPTER CCCXXVI.

An act to incorporate the Rushville and National Road Plank Road Company.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Horatio G. Seeton, Nehemiah Hayden, Thomas Worster, A. W. Hubbard, John M. Huddleson, William S. Stall, David Sutton, and William Moffit, and their associates and successors, be, and they are hereby constituted a body politic and corporate, and shall remain such under the name of the Rushville and National Road Plank Rroad Company, and by that name said company may contract and be contracted with, sue and be sued, and

do all other things proper and usual for similar companies to do; and said company is hereby vested with all the powers and privileges in anywise necessary or expedient to carry into effect the proper business of the association.

Sec. 2. Said company so created with a view to the construction of a plank road, with all necessary appendages, from Rushville north to the National road, at some point on the same at or near Scursville, [Lewisville,] or Ogden, in Henry county, and also with a view, should the interest of said company seem to require, of extending said road north from the National road to Newcastle, in Henry county.

Sec. 3. For the purpose of constructing said road with all desirable appendages, and for putting and keeping the same in repair and for doing all proper business thereon, said company are hereby authorized to enter upon, take, and hold all real estate, timber, stone, gravel, and materials desirable for that purpose, doing no unnecessary damage.

Sec. 4. When such real estate or materials cannot be had by donation or fair purchase, the owner may file his clain for damages in the office of the secretary of the company, and select an arbitrator; whereupon, the company shall select another, and these two a third, who shall be disinterested men; and within a reasonable time, having been sworn, they shall proceed to examine the case and make out and file their award in the premises with said secretary, from which award either party may appeal to the circuit court of the county where the land damaged is situate, which appeal shall be in all things regulated and tried as appeals are from the judgment of a justice of the peace in this State, said secretary being regarded as such justice in this behalf.

Sec. 5. Whenever any real estate is so taken, or is damaged, the arbitrators' court or jury trying the case, shall estimate any and all advantages said road may be to the other real estate of the claimant adjoined or contiguous to that taken, or within one mile thereof; deduct such advantage from the damage done, and find for the claimant the balance only, if any there be; if there be none, the claimant shall pay all costs; if damage be recovered, the company shall pay the costs.

Sec. 6. When the route of this road interferes with any other road in any way whatever, the company is authorized to change such other road as may be deemed expedient, putting the same in good passable condition prior to obstructing the same; and whenever this road crosses a State or county road, the company shall make a safe and convenient crossing.

Sec. 7. Said company may at all times make and establish all such by-laws, rules, and regulations, not conflicting with the laws of this State, in reference to their business, as they may deem expedient; and they may fix a penalty to any such laws, rules, or regulations, of not exceeding one hundred dollars for the violation of the same, and collect the same by action of debt, in any court of competent jurisdiction; but all penal laws, rules, or regulations,

prior to enforcing the same, and all toll rates, shall be posted up in some conspicuous place at each gate on the road.

Sec. 8. Any person who may wilfully obstruct, injure, or in any wise interfere with said road, or any of the materials, structure, or appendages connected therewith, or anything belonging to said company, besides the penalty that may accrue, he shall pay the company threefold the damage done, on the case being made out before any competent court; and on the trial of all suits brought by or on behalf of said company, the regularity of their proceedings to entitle them to sue shall be presumed, but no common law gound of defence, when made to appear, shall, by this porovision, be deemed to have been taken away; and all process against said company shall be served only on the secretary or treasurer.

Sec. 9. The capital stock of said company shall be twenty thousand dollars, which may be increased at anytime to any amount desirable for completing said road, with all the appendages, and conducting the business of the company as herein contemplated. Said stock shall be divided into shares of fifty dollars each, and may be taken by individuals, corporations, counties, or States, and may be paid in cash, or in any other way, and at such times as may be designated by the company, and payable without any relief from valuation or appraisement laws.

Sec. 10. At all elections for directors each stockholder shall have one vote for each share of stock held by him, and the votes may be cast in person or by proxy, given directly to the person voting.

Sec. 11. The persons named in the first section of this act, or any five of them, shall be directors until a full organization is had, and so soon as deemed expedient shall meet at Rushville, or such other place as may be designated, and organize by the election of a president, secretary, and treasurer; they shall provide for the opening of books for the subscription of stock, and may commence the construction of said road, and let out the work at such time and places as they may deem best, designating the times and manner of payment for stock.

Sec. 12. So soon as fifteen thousand dollars are subscribed, an election of seven directors shall be holden at Rushville, or some place on the line of said road, due notice of the time and place of said election being given; to serve as such until their successors are elected and qualified; and annually thereafter, on the first Monday in January in each year, there shall be a new election for a board of directors, at such place as may be directed by the board of directors of said company, to serve as such for one year, and until their successors are elected and qualified. A director shall be the owner of three shares of stock, and before taking his seat as such, he shall take an oath faithfully and honestly to discharge his duties as such director so long as he shall remain in office. If from any cause there shall be a failure to make an election on said day, it shall be held as soon thereafter as practicable, thirty days' previous notice of such election being given. Each election shall be held by three judges and clerk, who shall be sworn honestly to discharge their duty.

Sec. 13. When a new board is qualified, they shall elect one of their body as president, to serve as such during the current year. They shall also elect a secretary and treasurer to serve in like manner; such bonds may be required of all afficers as may be deemed expedient. An official bond shall be required of the treasurer in a reasonable amount; and before entering on the duties of their office, both the treasurer and secretary shall be duly sworn. Five members of the board concurring, they may remove any officer, and fill the vacancy thus made; and any vacancy created in the board may be filled by a majority of the members.

Sec. 14. In all cases, except as may be specially provided, a majority of the board shall constitute a quorum to do business, and all the doings of such quorum at a regular meeting shall be deemed the acts of the company to all intents and purposes; and statements of such acts or doings, signed by the president and attested by the secretary, with or without the seal of the company affixed, unless some by-law shall require the seal, shall at all times and places be deemed the best evidence thereof.

Sec. 15. Said company may negotiate any loan or loans of money, and at any rates of interest deemed expedient, and the principal and interest of all debts so contracted shall be a lien in their order on all property and effects of the company, and the stock of each corporater, all of which, or any part thereof, may be sold on execution, or otherwise, as the board may direct, for the purpose of meeting such debts: *Provided*, That when stock is sold it shall be taken from each stock-holder in rateable proportion, and any stock-holder may redeem his stock from such sale by paying his quota of the money thus raised into the treasury within ten days after the sale.

Sec. 16. Payments for stock subscribed in whole or in part, at such times and in such sums as the company may require, may be enforced by an action of debt before any competent court, and payment had as in this and the next preceding section contemplated, shall be collectable without the benefit of any stay or valuation laws, and in case an appeal or writ of error be had on any such judgment, and the same be decided in favor of the company, besides legal interest on the judgment, ten per centum damages shall be assessed and collected thereon for the company, or the company may, to recover the sum due or demanded, expose the stock of the delinquent to public sale to the highest bidder, at the office of the company, after reasonable notice, paying any surplus that may arise from the sale to the owner, and when so sold, the secretary shall make the transfer.

Sec. 17. The stock of the company shall be personal property, and shall be transferable according to the by-laws of the company. After the road is completed, on the first Monday in July and January in each year, the company shall of their nett profits declare

such dividends as may be deemed just, having a proper regard to the exigencies of the company.

Sec. 18. Said company shall commence the construction of said road within three years, and may complete the same, or so much thereof as may be deemed expedient, so soon as practicable, and the interest of said company require.

Sec. 19. If said road, after the completion thereof, shall be suffered to go to decay, or be impassable for one year, unless when the same is being repaired, this charter shall be considered as forfeited.

Sec. 20. So soon as the said corporation shall have completed the said road as aforesaid, or any five continuous miles thereof, agreeably to the provisions of this act, they may then erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons traveling said road, the tolls allowed by this act.

Sec. 21. The following shall be the rates of toll for each and every ten miles of said road, and in proportion for a greater or less distance, viz: for every four wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, a sum not exceeding twenty cents; for every horse or other animal in addition, five cents; for every cart, chaise, or other two wheeled carriage or vehicle, drawn by one horse or other animal, not exceeding ten cents; for every sleigh or sled drawn by one horse or other animal, five cents; for every horse or other animal in addition, five cents; for every coach, chariot, or other four wheeled pleasure carriage, drawn by one horse, not exceeding twenty cents; for every additional horse or other animal, five cents; for every horse, mule, or ass, six months old and upwards, led or driven, not exceeding three cents; for every head of neat cattle, six months old or upwards, one cent; each hog or sheep, a half-cent each: *Provided*, That all persons going to or returning from public worship, and militia men going to or returning from trainings, and all funeral processions, shall pass said road free of toll.

Sec. 22. If any person using said road, shall, with intent to defraud said company, or to evade the payment of toll, pass through any private gate or bars, or along any other ground near to any turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means, with intent to evade or lessen the payment of such tolls, or if any person shall take another off said road, with intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to the corporation the sum of five dollars, without any stay of execution, to be recovered with costs of suit, in an action of debt, at the suit of the corporation, before any justice of the peace of the county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon, about their premises, for ordinary and common business.

Sec. 23. If said corporation shall fail, for ten days in succession, to keep said road in repair, and complaint thereof be made to a justice of the peace of the proper county, it shall be his duty forthwith to summon three disinterested freeholders to examine the same, and he shall give notice to the toll gatherer at the nearest gate, of the time when the said freeholders will proceed to examine that part of the road complained of, and said freeholders, after taking an oath faithfully and impartially to perform the duty hereby enjoined on them, shall proceed in the examination, and if they find said road out of repair, they shall certify it to said justice, who shall immediately transmit a copy of such certificate to the nearest toll-gatherer to where such defective part of the road lies, and from the time of receiving such notice, no toll shall be demanded or received for such part of the road, until the same be put in complete repair, under the penalty of five dollars for every such offence, to be recovered of said corporation with costs of suit, and for the use of the party aggrieved.

Sec. 24. The company shall put a stone at the end of each mile, with the number of miles from each extremity fairly cut or painted thereon; and also in a conspicuous place near each gate, shall be placed a board with the rates of toll and other conditions of passage fairly painted thereon.

Sec. 25. Any person wilfully or maliciously destroying, defacing, or removing any guide-board, mile-post or stone, or list of rates of toll, erected on said road, shall, on conviction thereof before any justice of the peace, forfeit and pay any sum not exceeding twenty dollars, to be recovered with costs of suit, in an action on the case at the suit, and for the use of the corporation.

Sec. 26. If any toll-gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

Sec. 27. Said road shall be opened of any width not exceeding eighty feet, and that portion of it constructed of gravel or plank shall consist of a single or double track, with proper grades of earth on one or both sides of said track or tracks, to enable teams or vehicles to pass each other; such gravel or plank track shall be of such width as the company determine.

Sec. 28. Said company may purchase, hold, or convey lands for the use and purposes of said company: *Provided*, The same shall not exceed in value the sum of ten thousand dollars, over and above such lands as may be necessary in the location and construction of said road, and may take stock in any other plank road company, not exceeding fifty thousand dollars.

Sec. 29. That if it shall be found expedient or advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county

road: *Provided, however*, That before such location shall be made the corporation shall make application to the county commissioners of the proper county for such right, and said commissioners are here- be vested with power to grant the same by an order entered on their record.

Sec. 30. This act shall be considered a public act, and shall be in force from and after its passage, and may be repealed or amended whenever its provisions are violated.

CHAPTER CCCXXVII.

An act to incorporate the Lafayette, Rossville, and Michigan Road Plank Road Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph S. Hanna, A. D. Wood, David Ross, Ebenezer King, and Jethro Wade of the county of Tippecanoe, William Douglass, John H. Smith, J. Q. A. Perrin, Andrew Robinson, and James Morrison of the county of Clinton, and their successors in office duly elected as hereinafter directed are hereby constituted and appointed a body politic and corporate, and by the name and style of the President and Directors of the Lafayette, Rossville, and Michigan Road Plank Road Company, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts of justice whatsoever, and to make and use a common seal and the same to alter at pleasure. And shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and Constitution of this State.

Sec. 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each.

Sec. 3. The directors named in this act or a majority of them, may meet at such time and place as they may agree upon, and organize said corporation, by electing one of their body to be president, and after such organization, any five of the board shall be a quorum.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurer and all other officers and persons necessary to carry into effect the object of this act. They shall keep a journal of all their proceedings, in which shall be entered all by-laws, rules,

and regulation, and all orders for the payment of such allowance as may be made to their officers and all others in their employ, which journal shall be read from time to time by the board, and if found correct, shall be signed by the president. When the president is absent, they may appoint a president *pro tempore*. They shall fill all vacancies that may happen in their body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time and place or places as they may choose, and due notice thereof shall be given, in each of which books the following entry shall be made:

We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportion as the President and Directors may direct said corporation.

Sec. 6. It shall be lawful for all persons of lawful age, and the town councils of Lafayette and Rossville in the counties aforesaid, to subscribe for any amount of the capital stock, and the books shall be kept open for such space of time and at such place or places as the corporation shall choose, and may be re-opened at any time. Said corporation, may by agent offer for sale in any other counties or State any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power on their credit to borrow money, on such terms as may be agreed on by the parties. The corporation may require such sums of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper, but such requisition shall be made known, by being inserted in the notice for opening the books, and any further payment on the stock shall be under the control of the corporation.

Sec. 7. As soon as four hundred shares are subscribed, and the amount paid on each share, as determined by the corporation, they shall give three weeks' notice in one of the newspapers of each of the counties of Tippecanoe and Clinton, and in such notice appoint a time and place for the stockholders to meet and elect ten directors, who shall be stockholders and citizens of the counties of Tippecanoe and Clinton, which election shall be held within three months after the time of paying the first instalment, and shall be conducted by two judges appointed by the stockholders present, and the person having the plurality of the votes given and counted in public shall be declared duly elected. In all elections each share, the instalment on which shall have been duly paid, when required, shall entitle the holder to one vote, and votes may be given by persons owning the same or by any authorized agent.

Sec. 8. It shall be the duty of the directors elected as above, and all those elected at all subsequent elections, to meet as soon thereafter as they conveniently can and elect one of their own body to be president. The president and directers thus elected to continue in office until their successors are elected and qualified.

Sec. 9. All elections after the first, shall be held the second Mon-

day in September annually, under the direction of three stockholders who are not directors at the time, to be appointed by the stockholders present, of which election due notice shall be given: *Provided*, That if from any cause whatever there shall be no election held on the day appointed by this act or by the directors of the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to stockholders, which shall be evidence of the stock held. It shall be signed by the president and countersigned by the clerk, the stock shall be transferable on the books of the corporation only, or by an agent or attorney or by an executor, administrator or guardian; but said stock shall at all times be holden by the corporation, or for any sum that may thereafter become due, on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportion of the stock subscribed not exceeding twenty per cent of the amount of stock every six months as they may think proper, to be paid at such time and place as they may designate by giving sixty days' notice in one or more of the newspapers in the counties of Tippecanoe and Clinton, or by giving a written notice to the stockholders; and in such notice, the amount on each share demanded and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay[any such] requisition within ten days after the time named for such payment the corporation may bring suit against such delinquent for the amount due in any court of competent jurisdiction, and recover the amount with ten per cent interest per annum thereon for such detention. And if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may by an order on their books, declare such stock forfeited to the corporation with whatever may have been paid thereon, and no such delinquent after the forfeiture of his stock shall have the right to vote for directors or receive any dividends on his, her, or their stock until the corporation shall be fully paid and satisfied.

Sec. 12. The corporation shall have full power to require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper for the faithful performance of their respective duties.

Sec. 13. The corporation shall have full power to survey, mark, and locate a Plank or Plank and Gravel Road, commencing at Lafayette in the county of Tippecanoe, thence to Rossville, thence east, on the section line as far as practicable, to the Michigan road, at or near Judge Purdam's in Clinton county, with full power to diverge from a straight line, whenever more favorable ground can be had, or the interest of the company may require.

Sec. 14. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from any person or persons, through whose land the same may pass, a relinquishment of so much of said lands as may be necessary for the

construction of and location of said road; also, such materials as may be on said route, for the construction of said road.

Sec. 15. That in all cases where any person, through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation, to give notice to some justice of the peace in the county where such difficulty may occur, that such facts do exist, and such justice shall, thereupon, summon the owner of such land to appear before him, on a particular day, within ten days thereafter, and shall appoint five disinterested freeholders of the neighborhood, who shall, after taking an oath or affirmation, faithfully and impartially to assess the damages, if any, view the lands or other materials, and after taking into consideration the advantages, as well as the disadvantages the road may be to the same, and shall report thereon, whether such such person is entitled to damages or not, and if so, how much, and shall file such report with such justice, whereupon, such justice shall enter judgment thereon, unless for good cause shown by either party, why judgment shall not be entered. The justice may in such case, grant a review of the premises, either with or without cost; *Provided*, That either party may at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term, at the discretion of the court, and the judgment of the said court shall be final.

Sec. 16. That if it shall be found expedient or advantageous to the location and construction of said road, the corporation shall have the right to lay the same along or on any county or State road; *Provided, however*, That before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right, and said commissioners are hereby vested with the power to grant the same, by an order entered on their record.

Sec. 17. That when said corporation shall have procured said right of way, as hereinbefore provided, they shall be seized in full right of said land, and shall have the sole use and occupancy of the same, and no person, body politic or corporate, shall in any way interfere with, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or effect the profits of said corporation.

Sec. 18. The corporation shall commence the construction of said road at any time within two years from the date of this act, and may, from time to time, construct such portion of said road as may be within their ability and to the interest of the corporation, and shall complete the whole of said road in six years from the time of the commencement of the same; *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time to complete the same.

Sec. 19. It shall be lawful for said corporation to erect gates at suitable distances apart, and demand and receive from all persons traveling said road, footmen excepted, the tolls allowed and fixed by said corporation; *Provided*, That the corporation may at any time, alter, amend, or change the rate of tolls; *Provided, however*, That the tolls shall never be raised higher than an average of the tolls charged on roads of similar character in the State. And it shall be the duty of the corporation, when the rate of toll shall be determined, to put the same up in some conspicuous place, at each place of receiving tolls on said road.

Sec. 20. That if any person or persons using said road, shall, with intent to defraud said company, or evade the payment of tolls, pass through any gate or bar erected on said road, according to the provisions of this act, or shall practice any fraudulent means, with intent to lessen the payment of tolls, shall, for every such offence, forfeit and pay to the corporation, the sum of five dollars, to be recovered with costs of suit, in an action of debt, at the suit of the corporation, before any justice of the peace of the county; *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road, from passing thereon, about their premises, for common or ordinary business.

Sec. 21. The corporation shall make semi-annual dividends, of the proceeds derived from said road and notify all stockholders of said dividends.

Sec. 22. Any person or persons injuring said road, or any part thereof, shall be fined for every such offence, twice the amount of damages that may be assessed.

Sec. 23. It shall be the duty of the board of directors, to make a correct statement of the affairs and condition of the company, at each annual election.

Sec. 24. Any five stockholders shall have the privilege of calling a general meeting at any time, by giving printed or written notices, ten days prior to said meeting, stating the object of the same.

Sec. 25. The company shall have power to increase their stock if found insufficient to complete the road.

Sec. 26. A plat of said road, when located, shall be filed in the auditor's office, in each of the counties of Tippecanoe and Clinton.

Sec. 27. After the road is completed, if suffered to go into decay for twelve months, the corporation shall forfeit their charter.

Sec. 28. The president and directors to be liable in their individual capacity, for all debts contracted in the prosecution of said work, over the amount of solvent stock secured to said company; and the Legislature reserves the right to alter and amend any part of the aforesaid act.

Sec. 29. This act to be in force from and after its passage.

CHAPTER CCCXXVIII.

An act to incorporate the Clinton and Illinois Plank Road Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Benjamin R. Whitecombe, Otis M. Cankney, James McColloch, Alonzo Lyons, William P. Dole, John Peyton, William Vrile, John Davidson, and William Banich be, and they are hereby appointed commissioners to open books, at suitable places, for subscriptions to the capital stock of a company for the construction of a plank road from the town of Clinton, in the county of Vermillion, in a westwardly direction to the State line, at such point or points as may be determined upon by the president and directors of the Clinton and Illinois Plank Road Company, hereby incorporated.

Sec. 2. Said commissioners shall determine the time and place books shall be opened, and the length of time they shall be open for the subscription of stock to said company, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite to our names, in such manner and proportions, and at such time or times, as the president and directors of the Clinton and Illinois Plank Road Company may direct, payable without relief from valuation or appraisement laws."

Sec. 3. The stock of said company may consist of money, labor, materials, or such other property, either real or personal, as may be agreed upon by the commissioners, or the president and directors, after being elected, and whenever six thousand dollars shall have been subscribed as stock in said company, and the sum of three thousand dollars thereof, either in cash or approved promissory notes given without relief from valuation or appraisement laws, shall have been received by said commissioners, it shall be their duty to order an election for directors for said company, to be held in the town of Clinton, at such time as they shall designate, giving at least ten days' notice thereof, by posting up written notices thereof in at least three of the most public places near the contemplated line of said road.

Sec. 4. All subscriptions to the stock of said company, other than money, shall be received only at such valuation as shall be affixed thereto by three disinterested appraisers, to be appointed by the president and directors of said company.

Sec. 5. Said commissioners, or a majority of them, shall attend said election, and conduct the same, by opening a poll and receiving votes, between the hours of ten o'clock A. M. and four o'clock P. M. of said day, and after the voting shall have been closed they shall immediately open and count the ballots, and shall disclose the number of votes cast, the number received by each individual voted for, and

declare those to have been elected who shall have received the highest number of votes.

Sec. 6. The directors of said company shall be nine in number, three of whom shall constitute a quorum for the transaction of business; all vacancies occurring in said board shall be filled by a majority of said directors, and the president appointed by said board shall serve until a new board shall be chosen and qualified: *Provided*, That no person shall be eligible to hold the office of director who is not a stockholder in said company, and every director shall serve as such until his successor is chosen and qualified.

Sec. 7. At all elections for directors each stockholder shall be entitled to vote as follows: for each share not over ten, one vote; and for each three shares, over ten, one vote: *Provided*, No stockholder shall be entitled to more than twenty-five votes, and such vote shall be cast in person, or by proxy appointed in writing, and signed by said stockholder; no stockholder shall be allowed to vote after the first election, unless the stock by which he claims to vote shall have been held by him at least three months prior to such election.

Sec. 8. The board of directors first chosen, according to the provisions of this act, shall meet at such time and place as a majority of the commissioners aforesaid may designate, whose duty it shall be to give said directors notice thereof within ten days thereof, after such election, at which meeting it shall be the duty of said directors to appoint one of their number president of said board, and they shall also appoint a secretary and treasurer of said company, whose duties, terms of service, and compensation shall from time to time be regulated by said board.

Sec. 9. Said board of directors shall, at their first or some subsequent meeting, fix the time for their next annual election of directors, not more than one year from such meeting, and all subsequent elections shall be held annually thereafter, and conducted in such manner as the board may direct, and each board of directors shall continue in office for the term of one year, and until their successors are chosen and qualified, and in case any annual election shall not be held on the proper day for holding the same, it shall be held at some subsequent day, thereafter to be fixed by the directors then in office, giving notice thereof at least ten days, in the same manner notices are given in section three of this act.

Sec. 10. The said commissioners, as soon as the first board of directors shall have been organized or within ten days thereafter, shall deliver over to said board the subscription books of stock, and shall pay over to the order of said board all moneys or property received by them on such subscription, and in case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have destroyed or concealed any of said books or property with intent to defraud said company or any stockholder thereof, such commissioner or commissioners so offending shall, upon conviction thereof by presentment or indictment, be fined in any sum not exceeding five thousand dollars, and be imprisoned at hard labor in the State Prison for a term of time not exceeding five years.

Sec. 11. The board of directors of said company shall have power to supply vacancies in the office of president, secretary, and treasurer of said company, and to require bond and security of said treasurer for the faithful performance of the duties of his office, and to meet from time to time as often as may be thought expedient, to adjourn from time to time as they may think necessary, to adopt and establish such rules and regulations, and make such by-laws not inconsistent with the laws of this State, as in their judgment the business of the company may require, and are necessary for the better organization of the company, and to enable them to do and perform their duties and carry out the designs of the powers granted by this act, and alter or amend at pleasure any by-law of said company as they may deem expedient, to appoint all subordinate officers, engineers, agents, and workmen that may be necessary to carry out the objects of said company, to issue certificates of indebtedness, to demand at such time and in such proportions as they shall see fit, the sums of money or subscription in labor or materials due by stockholders on their respective subscriptions of stock under pain of forfeiture to the company of the shares of their stock, and all previous payment thereon, or of such other penalty as may be prescribed by the by-laws of said company, or to sue therefor and recover the amount due in an action of debt or assumpsit in any court of competent jurisdiction; to issue proper certificates of stock to the stockholders, and to determine in what manner and under what restrictions the shares of stock shall be transferable; to fix the compensation and prescribe the duties of the several officers and agents in the employ of the company; to require such bonds, obligations, and securities from the treasurer, secretary, and other officers of the company, as may be deemed necessary; to open and continue open as long as necessary books for the subscription of stock in said company; to acquire, purchase, sell, lease, and dispose of real estate for the use of the company; to establish and construct toll-houses, offices, mills, and all necessary structures, fixtures, machinery, and apparatus for building and keeping in order said plank road; to order and cause to be made all estimates, surveys, and lettings of work, at such times and places as they may determine; to prescribe such form of contracts, rules, specifications, and regulations for the performance of work as they may deem proper; to make, and construct, and keep in repair said road; to make and declare dividends of profits and income of said road and its appurtenances, mills, and such other sources of income as said company may have among the stockholders, at such times as they deem expedient; and do all other necessary and proper acts in accordance with the provisions of this act, according with its true intent and meaning: *Provided*, No certificates of indebtedness shall be issued of a less denomination than fifty dollars.

Sec. 12. The said directors when elected, and their successors

in office, are hereby constituted a body politic and corporate, to have perpetual existence and succession, to be known as the "Clinton and Illinois Plank Road Company," and by that name and style are hereby made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, as a natural person in this State and elsewhere, and shall be so recognized in courts of law and equity, and to have and use a common seal, and may change and alter the same at pleasure.

Sec. 13. Capital stock of said company may be twenty-five thousand dollars, which may be increased at the pleasure of said company to any amount not exceeding fifty thousand dollars, that may be deemed necessary to carry into effect the legitimate objects of said company, and shall be deemed personal property.

Sec. 14. Said company may and they are hereby authorized to enter upon any highway or public road, and appropriate the same to the construction of said plank road, and thereafter such road or any part thereof which the said company may select for the purpose above mentioned, shall become to all intents and purposes the property of said company; and the said company may take release and conveyances of the necessary lands of any and all persons over whose lands the road may be located, and any such release or conveyance may be executed by any *feme covert*, guardian, executor, or administrator, and have the same force and be as binding and effectual in law, as if such persons so executing the same were *sole* or had done the same personally, and such release, executed by any executor or administrator, if approved by the proper probate court, shall bind the estate and the heirs, creditors, legatees, and devisees thereof.

Sec. 15. For the purpose of locating and constructing said road it shall be lawful for said company, by their agents or persons in their employ, to enter upon any lands, to make surveys and estimates, and to take from the land occupied by said road any stone, gravel, timber, or other materials necessary to construct said road, mills, bridges, or toll-houses contemplated by this act.

Sec. 16. If any person or persons owning land over and upon which said road may be located, shall refuse to relinquish the same for the use of said road, and no satisfactory contract can be made with such owner by said company therefor, it shall be lawful for said company to give notice to some justice of the peace of said county, and said justice shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named therein and within ten days thereafter, and if the parties cannot then agree said justice shall issue a venire for summoning before him a jury of three disinterested men of the county, to be selected by said justice, and who shall not own real estate on the line of said road, and such jury, after having taken an oath or affirmation faithfully and impartially to assess the damages if any, shall view the land upon which such damages are claimed, and shall determine the same, duly considering the advantages and disadvantages of said road to said owner, and shall make report thereon to such justice; whereupon he shall enter judgment upon such report, from which judgment either party may appeal to the circuit court, but no such appeal taken shall stay the proceedings of the company in opening and constructing such road over and upon such lands.

Sec. 17. If the owner is a minor or insane person, or shall reside out of the county where such land may be, said justice shall cause three notices to be put up in three public places within the township where such lands are situate, giving at least ten days' notice of the time and place of summoning such jury to make such appraisement, and if no person appears for such minor, insane [person,] or non-resident of the county, he shall appoint some disinterested person to act on behalf of such absentee, and shall then proceed as in other cases, and in all cases costs shall be awarded in the discretion of the jury.

Sec. 18. If said company shall require for the use of said road any stone, gravel, timber, or other material from any person adjoining or near said road, and said company cannot contract with the owner for the same, said company may proceed in like manner to have the value of such materials assessed as is above provided for assessing the value of lands, except as to estimating the advantages of said road, and in any such case of lands and materials said company may take posession of and use the same immediately after having paid to the justice for the use of the owner of such land or materials the sum, if any, which may have been assessed therefor, notwithstanding any appeal which may be pending.

Sec. 19. If any person or persons, body politic or corporate, over and upon whose lands said road may be located and constructed, shall not, within six months after said road is completed across said lands, demand of said company payment or damages for the lands so taken or occupied in laying out, making, or constructing said road, such person or persons, body politic or corporate, and all persons claiming by, through, or under him or them, shall be for ever thereafter incapable of sustaining any action either to recover said land or damages therefor.

Sec. 20. The track of said road shall not be less than twenty feet wide, at least eight feet of which shall be constructed of timber, plank, gravel, or other hard materials, so as to form a hard, smooth, and uniform surface, the remainder of said track to be graded or constructed of earth or other material on one or both sides of said timber, gravel, or plank way, so as to enable teams or vehicles to pass each other without material delay or difficulty; the particular manner of building said road, or any part thereof, shall be determined by the directors of said company, who may open the same eighty feet in width.

Sec. 21. If said road after its completion, or any part thereof, shall be suffered to remain out of repair so as to be impassable for the space of one year, unless when the same is repairing, said com-

pany may be proceeded against by quo-warranto as for a violation of this charter; and if said company shall suffer said road to be out of repair to the hindrance or delay of travelers for any unreasonable length of time, they shall have no right to collect tolls thereon until the same is repaired.

Sec. 22. Said company may from time to time make, enact, and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel upon said road, and the rules to be observed by persons meeting or passing with wagons or carriages, and all other matters which may be deemed for the welfare of said company, and any person wilfully violating any ordinance or by-law made by said company shall forfeit and pay the sum of five dollars, to be sued for and collected by said company in an action of debt before any justice of the peace of the county where the offending party may be found.

Sec. 23. Said company shall put up a stone at the end of every mile with the number of miles from Clinton cut or painted thereon, and also at or near each gate they shall place a board with the rates of toll painted or printed thereon.

Sec. 24. Dividends of profits may be made either annually or semi-annually among the stockholders at such times and in such manner as may be agreed upon by the directors.

Sec. 25. If any toll-gatherer or gate-keeper shall unreasonably detain any person or passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit before any justice of the peace having jurisdiction within twenty days after the occurrence by the party aggrieved.

Sec. 26. If any person or persons using any part of said road shall, with intent to defraud said company, pass through any private gate or bars, or along any other grounds near said road to avoid any toll-gate, or shall make any untrue statement as to the distance he or they have traveled or intend to travel on the road, or shall practice any fraudulent means, and thereby lessen or avoid the toll, each and every person concerned in such fraudulent practice shall for every such offense forfeit and pay to said company five dollars, recoverable in the name of said company in an action of debt before any justice of the peace of the county where the offender may be found, and shall be collected without any stay of execution or any regard whatever to valuation or appraisement laws: *Provided*, Nothing herein contained shall prevent persons residing on or near the line of said road from passing thereon between the gates about their premises for common ordinary business.

Sec. 27. Whenever three miles of said road are completeda gate may be erected, and so on for every additional three miles until the whole is completed. After said road is completed to the State line

at any point, said company may erect and maintain toll-gates at such point and at such distances from each other as they may deem proper, and the tolls charged upon said road and collected at the gates e ected thereon shall not exceed the following rates for every six miles distance traveling thereon, and in proportion for any greater or less distance as follows: for every four-wheeled carriage or other vehicle, drawn by one horse or other animal, ten cents; for every horse or other animal in addition, five cents; for every cart, chaise, or other two-wheeled carriage or vehicle, drawn by one horse or other animal, ten cents; for every horse or other animal in addition, five cents; for every sled or sleigh, drawn by one horse or other animal, ten cents; for every additional horse or other animal, five cents; for every coach or other four-wheeled carriage, drawn by one horse, ten cents; for every additional horse or other animal, five cents; for every horse and rider, five cents; for every horse, mule, or ass, six months old or upwards, led or driven, two cents; for every head of neat cattle, six months old or upwards, one cent; for every hog or sheep, one cent: *Provided*, That all persons going to or returning from funerals shall pass said road free of toll. The said company may change or lower at pleasure the above rate of tolls: *Provided*, That the rates established from time to time shall be painted or printed on a suitable board and put up as heretofore provided.

Sec. 28. The said company are hereby authorized to construct under the provisions of this act a branch or branches of said road diverging from the same at such points as they may determine, and running in such direction as they may deem expedient for the interest of the public: *Provided*, That no branch of said road shall exceed fifteen miles in length within the State of Indiana.

Sec. 29. The company hereby incorporated shall have the power to extend the road or any branch thereof to such point or points in the county of Edgar, State of Illinois, as they may deem expedient, having obtained the right of way from the State of Illinois for that purpose, and they are hereby authorized to increase the amount of their stock to such an amount as shall be sufficient for that purpose: *Provided*, That should the said company construct any portion of said road within the State of Illinois four of the nine directors may reside in the State of Illinois, or should the stockholders determine to reduce the number of directors to five, which they are hereby authorized to do by vote at any annual election, then two of said directors may reside in the said State of Illinois.

Sec. 30. *Be it further enacted*, That John Payton, Elijah K. Ferrill, Elijah Taylor, John Vanclyne, John Castle, Daniel Weisgar, and A. C. King, and their associates, are hereby constituted a body corporate and politic by the name of "The Clinton and Helt Township Plank Road Company," for the purpose of constructing a plank road commencing at Clinton, in Vermillion county, and running on the best grounds for the interest of the company and the convenience of the public, through Hiddles' prairie, in said county, to such point in the neighborhood of McCallachs' store, as the company may

determine, with full power to diverge from a direct line if the interest of the company seem to require it, the road not to exceed eighty feet in width; and the said company by their said corporate name shall be subject to all the duties and liabilities, and have possession, and exercise all the powers, rights, franchises, and privileges by this act conferred on the Clinton and Illinois Plank Road Company, and the said Clinton and Helt Township Plank Road Company may and shall be regulated and in all respects controlled by the provisions of this act, so far as the same are applicable.

Sec. 31. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXIX.

An Act to incorporate the Ohio River and Princeton Plank Road Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Willard Carpenter, Hugh Stewart, James Laughlin, J. G. Clifford, Philip Hornbrook, Jesse Burns, John Reitz, and Philip Rousch, of the county of Vanderburgh, Joseph Devin, Amasa D. Foster, and David Robb, Sr., of the county of Gibson, and their associates and successors, be and they are hereby constituted a body politic and corporate, under the name, style, and title of the "Ohio River and Princeton Plank Road Company," and by said name may sue and be sued, defend and be defended, answer and be answered unto, in any competent court in this State or elsewhere, and by such name shall make and have a common seal, and the same alter and change at pleasure, and shall be able and capable in law of contracting and being contracted with, and doing all and every thing in their business, as herein allowed, as individuals, might, could, or would do, or as corporations might do, at common law.

Sec. 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of twenty-five dollars, with power to increase the capital stock, if necessary to accomplish the object herein contemplated.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after their organization any five of said board shall be quorum.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act; and they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations and orders for the payment of such allowances as may be made to their officers, and all others in their employment, which journal and proceedings from time to time shall be signed by their president; they shall sit on their own adjournments, or on call of the president. When the president is absent they may appoint a president *pro tem.*, and shall fill all vacancies that may occur in their body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock of said company, at such times and at such places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum twenty-five dollars for each share of stock set opposite our respective names, in labor, materials, land or money, in such manner and at such times, and in such proportions as the president and directors of the Ohio River and Princeton Plank Road Company may direct, the value of all subscriptions other than cash to be settled by the board of directors, to be appraised at what the board shall consider their actual cash value at the time of payment. Witness our hands and seals this —— day of ——, A.D. 18—."

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of the United States on behalf of the same, for the commissioner of any county, the mayor and common council of any city, the corporation or trustees of any town or village in the United States, to subscribe for any amount of capital stock in said company; and the books for the subscription of stock shall be kept open in such place or places within the State of Indiana or any other State, and for such periods of time as the corporation may direct, and for the purpose of raising money to complete the road contemplated by this charter or any part thereof, the corporation shall have power to borrow money either by mortgage of the road, or in any manner that may be agreed upon between the corporation and the party or parties of whom the loan may be obtained.

Sec. 7. As soon as four hundred shares are subscribed, it shall be the duty of the corporation to give three weeks' notice thereof in some public newspaper printed either in the counties of Vanderburgh or Gibson, and in such notice to appoint a time and place for the stockholders to meet and appoint five directors, who shall be stockholders; which election shall be held within three months after the last share of the four hundred is subscribed for, and shall be conducted by three judges appointed by the stockholders present, and the persons having a plurality of the votes given and counted in public, shall be declared duly elected. No share shall give to the owner a right to vote at any election after the first election, unless the same shall have been held one month previous to the election. In all elections one share shall entitle the owner to one vote only, and votes shall be given by persons holding the same, by

one of any partners, or by the husband, father, mother, executor, or administrator, trustee, or guardian, or by the authorized agent of any corporation, State, United States, city, village, and [or] town; and any person having a right to vote may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as may be convenient, and elect one of their own number president; and directors thus elected shall continue in office until the next annual election and until their successors are elected and organized.

Sec. 9. All elections after the first shall be held on the first Monday of June annually, at such hour and place as the directors may direct, three weeks' notice of which shall be given by publication in a newspaper printed in the counties either of Vanderburgh or Gibson. The judges of all such elections shall be three in number; they shall, after the first election, be appointed by the board of directors, and shall be stockholders but not directors at the time of the election; and it shall be the duty of the judges after the result of such an election shall be known, to furnish the directors elect with a certificate of their election, which certificate shall be evidence of their right to act as directors. The number of the directors shall be five, a majority of whom shall constitute a quorum to transact business: *Provided*, If from any cause there shall be no election held on the day appointed, it shall be lawful to hold the election on any other day, to be selected by the directors.

Sec. 10. Certificate of stock shall be given to the stockholders, which shall be evidence of the stock held. They shall be signed by the president and countersigned by the clerk. Stock shall be transferred on the books of the company only personally or by agent or attorney, or by administrator, executor, trustee, or guardian, but the corporation shall have a lien upon such stock, for all sums due or to become due from the stockholder to the corporation, either for subscription of stock, or upon any contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such part of the stock subscribed, as may seem to them necessary to carry on the work, to be paid by the stockholders, in such materials, land, labor, or money, as shall have been designated by the party subscribing for such stock, to be paid at such time and place as the board of directors may designate, by giving thirty days notice in a public newspaper printed in the conties of Vanderbugh and Gibson, if papers are printed in the same, or by giving written notices to the stockholders. In all notices, the amount demanded on each share and the time and places of payment, shall be set forth, and it shall be the duty of the board of directors to require each person subscribing for stock, in materials or labor, to furnish the same upon the road most convenient to their premises, and if any stockholder shall neglect or refuse to pay or furnish such requisition within ten days after the time mentioned in such notice, for such payment, the corporation shall have power to collect the same by an action

at law, before any court having competent jurisdiction, the same to be collected without relief from appraisement laws. The corporation shall have power through the president and in his name, but for their use, to purchase the stock of any stockholder, when offered in execution on a judgment obtained against him in favor of the corporation, and to sell the same in their discretion, for the benefit of the corporation.

Sec. 12. The corporation shall require all officers and others in their employment, to give bond with security for the faithful performance of their duty.

Sec. 13. Said corporation by their agent or agents, shall have power, from time to time, to examine, survey, locate, and make said road from the Ohio river, at the south end of Fulton avenue, in the town of Lamasco, in the county of Vanderburgh, and thence north, towards the town of Princeton, in Gibson county, on or near to the range line dividing townships ten (10) and eleven (11), in said counties of Vanderburgh and Gibson, and if said company shall so elect and determine, they may locate, establish, and use said road on the route and ground of the road laid out and surveyed from the north line of said Fulton avenue, in said town of Lamasco, towards Princeton, crossing Pigeon creek, on the bridge erected over the same, north of said Fulton avenue aforesaid, and the road now laid out, and extending north of Fulton avenue, and near said range line dividing townships ten (10) and eleven (11), or so much thereof as may be deemed necessary, may be taken and used by said corporation, with the full right to occupy and appropriate the same or any part thereof, for the purpose of constructing said road as aforesaid; *Provided, however*, If said company shall deem it advisable to run said road by the way of Owensville, in Gibson county, and thence to Princeton, in said county, such plank road may be constructed upon, along, or across any State or county road, between the town of Lamasco and Owensville, or between the towns of Owensville and Princeton, but if said company shall construct said plank road north from Fulton avenue, in said town of Lamasco, on the range line dividing townships ten (10) and eleven (11), due north to Princeton, and not by the way of Owensville, then the consent of the board of commissioners of Gibson county, shall be first had and obtained in order to locate the same over and upon any State or county road, or other public highway along the line of said road in said county of Gibson; *Provided, further*, That when said plank road may cross any State or county road, such State or county road shall be left open, free, and unmolested, and said plank road may be made to cross Pigeon creek, or Big creek, or any other stream, upon any bridge constructed at the public expense, but no toll shall be charged by said corporation, for crossing such bridge or traveling on such plank road, as may be immediately adjacent to said bridge, and necessarily traveled upon in order to conveniently cross upon the same; *Provided, also*, That said company may construct said plank road from Lamasco to Princeton, or any other route than

the one specified in this section, but unless the same shall pass through Owensville, as aforesaid, the same shall not nor any part thereof, be made along or upon any part thereof, without the permission of the board of county commissioners of said Gibson county, first had and obtained upon petition of the said company, presented after due notice of at least twenty days, by posting printed or written notices along that part of the county or State road proposed to be occupied; *And provided*, That nothing herein contained, shall be so construed as to prevent said plank road from being constructed across any State or county road without permission of the board of commissioners, such State or county road being left free from any obstruction.

Sec. 14. And for the purpose of making said examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any lands to make surveys and estimates, for the purpose of searching for stone, gravel, wood, and other materials necessary for the construction of said road.

Sec. 15. It shall be lawful for the corporation, either before or after the location of any section of said road, to obtain from the person or persons through whose land said road may pass, a relinquishment of so much of said land as may be necessary for the construction of said road or location thereof, as also, the stone, gravel, wood, timber, or other material that may be obtained on said route or near thereto, for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, or bequests, made or entered into in writing by any person or persons capable in law to contract, made in consideration of said location or otherwise, and for the benefit of such corporation, shall be binding and obligatory. And the corporation may have their action at law or in chancery in any court of competent jurisdiction, to compel the observance of the same.

Sec. 16. The corporation shall cause said road to be opened not exceeding one hundred feet wide, and at least sixteen feet of said road shall be made an artificial road; the track of said road shall be constructed of timber, plank, gravel, or other hard material, so that the same shall form a hard, smooth, and even surface; the particular manner of building the road shall be determined by the directors of the company, and also whether the same or any part thereof shall be a double track.

Sec. 17. If it shall be found convenient or advantageous to the construction and location of said road, the corporation shall have the power and right to lay the same along or upon any State, county, or township road: *Provided*, That all State and county roads crossing the same shall be left open and free.

Sec. 18. That when said road is located it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the county auditors of Vanderburgh and Gibson, and after that time it shall not be lawful to alter or change any part thereof, unless said corporation shall pay the owner or owners of

the land on said route the amount of damage they may [sustain] by said change.

Sec. 19. If said road after its completion, or any section thereof shall be suffered to decay, or be impassible one year, unless the same is repairing, the charter shall be considered forfeited thereby.

Sec. 20. The corporation shall commence the construction of said road within five years, and complete so much thereof as shall be for the general interest of all concerned, and the means of the company will allow; and whenever five continuous miles of said road shall be completed agreeably to the provisions of this act, the county commissioners of Vanderburgh county shall appoint an agent or agents to examine the same, and report their opinion in writing to the corporation, and if said report shall state the road or any five continuous miles thereof to be completed agreeably to the provisions of this act, the corporation may then erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of all persons traveling said road such tolls, and at such rates, as said corporation may determine upon, to collect from all persons traveling, or for the privilege of driving all kinds of live stock, wagons and teams, pleasure carriages, sleighs, and all other vehicles and things that may pass said road, or any part thereof, as shall be for the interest of the company, and the same to change, lessen, or raise at pleasure; and a list of the rates established from time to time shall be posted up at some convenient place or places at each gate: *Provided however*, That when the aggregate amount of dividends declared shall amount to the full sum of capital invested, and ten per cent. per annum interest thereon, the board doing county business in Vanderburgh county may so regulate the tolls that not more than ten per centum per annum on the capital shall be divided after the payment of contingent expenses and repairs of said road, but the corporation shall not be compelled by any law or regulation of said board doing county business, so that a dividend of ten per cent. cannot be made; and it shall be the duty of said corporation to furnish the said board at the fall session of each year, with a correct statement of the amount of the expenses and profits, after deducting all expenses.

Sec. 21. If any person or persons using said road shall, with the intent to defraud said corporation, or to avoid the payment of toll, pass through any private way, gate, or bars, or along any other ground near to said turnpike which shall be enclosed, pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another person off said road with intent to defraud said corporation, each and every person concerned in such fraudulent practice shall, for every such offence, forfeit and pay to the corporation the sum of five dollars, without any benefit of appraisement or stay laws, to be recovered with costs of suit in an action of debt, at the suit of the corporation, before any justice of the peace in the county; and any person or persons passing or attempting to pass through any toll

gate on said road without paying the rate of toll charged, shall be subject to a like penalty, and recovered at the suit of the corporation as above prescribed: *Provided*, That nothing in this act contained shall be construed so as to prevent persons residing along the road from passing about their premises between the gates on said road on ordinary business.

Sec. 22. The company shall set up a post or stone at the end of every mile, with the number of miles from the place where the road may commence fairly cut or painted thereon, and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and all the necessary matter in relation to direction.

Sec. 23. Every person wilfully or negligently destroying, defacing, or removing any guide board, mile post or stone, or list of rates of toll erected on said road, or remove any plank, board, or other material which have been used in the construction of said road, shall, on conviction thereof before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

Sec. 24. If any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than by this act allowed, he shall, for every such offience, forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

Sec. 25. This charter shall be limited to fifty years duration, and be in force from and after its passage, and be liberally construed as a public act for all beneficial purposes.

Sec. 26. Every person residing on premises through or touching which said road passes, shall have the privilege at all times of passing and of going along and on said road for the distance of two miles each way from his place of residence without paying any toll or charge for himself or any of his cattle, teams or property.

Sec. 27. All suits brought by any person or persons, body politic or corporate, over and upon whose lands said road may be located, shall be brought within six months after said road has been located, and not after.

Sec. 28. That no gate shall be erected or maintained within one mile of the southern terminus of said road on the Ohio river, nor within one mile south of the corporate limits of the town of Princeton.

Sec. 29. That the several sections numbered 5, 6, 7, 8, 9, 12, 15, 18, in the "Act authorizing the construction of Plank Roads," approved Jan. 15, 1849, be, and the same are hereby adopted and made part of this act.

Sec. 30. The directors that may contract any debts over and above the amount of stock secured, shall be liable in their individual capacity for the payment of all dues to laborers for work done

upon said road, which shall not have been paid when due by the company in its corporate capacity.

Sec. 31. The Legislature reserves to itself the right to repeal this charter whenever its provisions are violated, but if repealed, the assets, after the payment of all liabilities, shall be divided among the several stockholders in proportion to the amount of stock paid in by each.

Sec. 32. The board of directors shall have power to receive by deed or other proper and legal conveyance any lands, mortgages, stocks in other companies, or other materials, which may be subscribed or taken for stock in this company, and sell the same for money, labor, or otherwise convert the same into means to be used in the construction of said road, and to give all proper deeds or other legal conveyances that may be necessary to complete the sale of the same.

Sec. 33. The stock of the corporation may be sold on execution and transferred upon the books of the corporation by the officer selling the same, but shall in all cases be subject to the lien named in section 10 of this act.

Sec. 34. It shall be the duty of the Secretary of State to forward a certified copy of this act to the auditors of Vanderburgh and Gibson counties within thirty days from the time of its passage, at the expense of said company.

Sec. 35. James Boswell and James H. Young, of Gibson county, and Jonathan Wilson, Vincent T. West, and William Hawthorn, of Pike county, and their associates and successors, shall be, and hereby are constituted a body corporate and politic, under and by the name of "The Princeton and Petersburgh Plank Road Company," with full power and authority to construct a plank road from the town of Princeton, in Gibson county, to the town of Petersburgh, in Pike county, and with all the other powers, privileges, franchises, duties, and obligations by this act granted to and imposed upon the Ohio River and Princeton Plank Road Company, and for the purposes contemplated by this section the words "The Princeton and Petersburgh Plank Road Company" shall be deemed and taken to be substituted for the words "Ohio River and Princeton Plank Road Company," wherever the latter words occur in this act, and in like manner the word "Pike" shall be substituted for the word "Vanderburgh."

CHAPTER CCCXXX.

An act to incorporate the Noblesville and Northfield Plank Road Company.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John G. Burns, Samuel Dale, T. T. Butler, Israel Haynes, George White, Curtis Jackson, Henry Marvin, and Jacob Tipton, be and they are hereby appointed commissioners to open books at suitable places in the State of Indiana for subscriptions to the capital stock of a company, for the construction of a plank road from the town of Noblesville, in Hamilton county, to the Michigan road, in Boone county, to be called the "Noblesville and Northfield Plank Road Company," at any time within one year from the passage of this act: *Provided*, Said commissioners, or any three of them, shall give twenty days' notice of the time and place of opening said books by publishing in one or more newspapers published nearest the contemplated road.

Sec. 2. Said commissioners shall determine at what point or points books shall be open and the length of time they shall be continued open at each point for subscription of stock to said company.

Sec. 3. The stock of said company may consist of money, labor, materials, or such other property, either real or personal, as may be agreed upon by the commissioners, or the board of directors after being elected; and whenever the sum of ten thousand dollars shall have been subscribed as stock in said company, and the sum of five thousand dollars thereof, either in cash, or approved promissory notes, given without relief from valuation laws, shall have been received by said commissioners, it shall be their duty to order an election for directors of said company, to be held in the said town of Noblesville, at such time as they shall designate, giving at least twenty days' notice thereof in a newspaper printed nearest said line.

Sec. 4. All subscriptions to the stock of said company other than cash shall be received only at such valuation as shall be affixed thereto by three disinterested persons to be appointed by the directors of said company.

Sec. 5. Said commissioners, or a majority of them, shall attend said election and conduct the same by opening a poll between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., of said day, and after the voting shall have been closed they shall immediately open and count the ballots, and shall disclose the number of votes cast, the number received by each individual voted for, and declare those to have been duly elected directors who shall have received the highest number of votes.

Sec. 6. The directors in said company shall be nine in number, five of whom shall constitute a quorum for the transaction of business. All vacancies occurring in said board shall be filled by a majority of said directors, and the person appointed by said board shall serve until a new board shall be chosen and qualified: *Provided however*, That no person shall be eligible to the office of director who is not a stockholder in said company, and every director thus chosen shall serve as such until his successor is elected and qualified.

Sec. 7. [At] all elections for directors each stockholder shall be entitled to vote as follows, to-wit: for each share one vote, which may be either by person or proxy appointed in writing and signed by the stockholder.

Sec. 8. The board of directors first chosen according to the provisions of this act shall meet at such time and place and a majority of the commissioners aforesaid may designate, whose duties it shall be to give said directors notice thereof within ten days after such election, at which meeting it shall be the duty of said directors to appoint one of their number president of said board, and they shall also appoint a secretary and treasurer of said company, whose duties, terms of service, and compensation shall from time to time be regulated by said board.

Sec. 9. The said board of directors shall at their first or some subsequent meeting fix the time for the next annual election of directors, not more than one year from the time of said meeting, and all subsequent elections for directors shall be held annually thereafter, and conducted in such manner as the board may prescribe.

Sec. 10. One months' notice for the election of directors shall be given by the publication thereof in a newspaper near the line of said road.

Sec. 11. Each board of directors shall continue in office for the term of one year, and until a new board shall be chosen and qualified.

Sec. 12. The aforesaid commissioners as soon as the first board of directors of said company shall have been organized, or within ten days thereafter, shall deliver over to said board the subscription books of stock, and shall pay over to the order of said board all moneys or property received by them on such subscription; and in case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have destroyed or concealed any of said books with intent to defraud said company, or any stockholder or stockholders thereof, such commissioner or commissioners so offending shall upon conviction thereof by presentment or indictment be fined in any sum not exceeding ten thousand dollars, and imprisoned at hard labor in the State Prison for a term of time not exceeding five years.

Sec. 13. The board of directors of said company shall have power to supply vacancies in the office of president, secretary, and treasurer of said company; and meet from time to time as often as may be thought expedient, to adjourn from time to time as they may think necessary; to adopt and establish such rules and regulations, and make by-laws not inconsistant with the laws of this

State, as in their judgment the business of the company may require, and are necessary for the better organization of the company, and to enable to do and perform their duties and carry out the designs of the powers granted by this act, and alter and amend at pleasure any by-law of said company as they said board may deem necessary to appoint all subordinate officers, engineers, agents, and workmen that may be necessary to carry out the objects of said company; to demand at such time and in such proportion as they shall see fit the sums of money or subscriptions in labor or material, due by stockholders on their respective subscriptions of stock under pain of forfeiture to the company of the shares of their stock, and all previous payments thereon, subject, however, to the restrictions hereinafter mentioned, or to sue therefor and recover the amount due in an action of debt or assumpsit, in any court of competent jurisdiction; to issue proper certificates of stock; and do all other legal acts necessary for the construction of said road.

Sec. 14. The said directors, when elected, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of "the President and Directors of the Noblesville and Northfield Plank Road Company," and by such name may sue and be sued, plead and [be impleaded,] answer and be answered unto, either in law or equity, in any court of competent jurisdiction in this State, and may make or adopt a common seal, and alter the same at pleasure.

Sec. 15. The capital stock of said company shall be fifty thousand dollars, which may be increased by said company, to an amount not exceeding seventy-five thousand dollars, which stock shall be deemed personal property.

Sec. 16. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, [corporation,] company, township, or county, to be paid for and at such times as the said board of directors may direct: *Provided, however*, That the said board of directors shall not be authorized to collect on such stock more than one dollar per month on each share: *And provided further*, That the stockholders shall pay the sum of one dollar per share, at the time of subscribing.

Sec. 17. This corporation is hereby empowered to take possession of, occupy, and use, for the purpose of constructing a plank road thereon, the state road leading from Noblesville to Crawfordsville, so far as the same may be desired to run thereon.

Sec. 18. The track of said road shall be constructed of plank, not less than eight feet wide, with three feet grade on each side of said plank, fully as high as the track.

Sec. 19. Whenever five continuous miles of said road shall be made and completed as above required, the said company may erect a toll-gate on said five miles so completed, and demand and receive tolls for passing the same, at the rates hereinafter mentioned, and whenever said company shall make and complete any additional five miles of said road, as herein required, then said company

shall have power to erect another toll-gate, and receive toll for passing the same, at the following rates.

Sec. 20. The following shall be the rates of toll for each and every five miles of said road, and in the same proportion for a greater or less distance, to-wit: for each and every four-wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, not exceeding six cents; for every horse or other animal in addition, two cents; for every cart, chaise, or other two-wheeled vehicle of any description, drawn by one horse or other animal, not exceeding four cents; for every [horse] or other animal [in addition,] [two cents; for every sleigh or sled, drawn by one horse or other animal, four cents; for every horse or other animal in addition, two cents; for every coach, chariot, or other pleasure carriage or vehicle, when used or designed chiefly for the use or conveyance of persons, drawn by one horse, six cents; for each additional horse or other animal, two cents;] for every horse, mule, or ass, and rider, three cents; for each horse, mule, or ass, one year old and upwards, one cent; for each head of cattle, not exceeding one cent; for each head of sheep or swine, not exceeding one-fourth of one cent.

Sec. 21. The board of directors of said company, or any agent by them lawfully authorized, shall have power to negociate any loan or loans not exceeding in amount one-half of the stock annually subscribed to said company, that may be by said company deemed expedient, for carrying out any or all the objects contemplated by this act, and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which when signed by the president, and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company in the order of their issue, and all the effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal.

Sec. 22. No tolls shall be exacted or taken of any person or persons while actually going to or returning from any muster, religious meeting on the Sabbath, or from any legal voter going to or from any state, county, or township election, by any toll gatherer within the township in which said voter may reside, or from any person or persons forming a funeral procession, or returning from a burial.

Sec. 23. The toll-gatherers at each and every gate, when erected on said road, in pursuance of this act, may detain and prevent from passing any carriage or animal subject to toll, until such toll is paid.

Sec. 24. Any person who shall wilfully break or injure any gate on said road, which may be erected in pursuance of the provisions of this act, or shall injure said road or bridges belonging to said road in any way, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the legal payment thereof, shall, with his team, carriage, or animal, [turn] out of said road, or

pass any gate thereon, or ground adjacent thereto, and again enter thereon, shall for each offence forfeit a sum not exceeding ten dollars, to be sued for and collected by said company, for their own use.

Sec. 25. Said corporation hereby created, shall exist and be continued for and during the term of fifty years.

Sec. 26. The legislature may, at any time when said company shall have violated any of the provisions or this act, have power to repeal said act, and the same may at any time be altered or amended by the legislature.

Sec. 27. The president and directors shall be individually liable for all debts contracted by said company beyond the amount of solvent stock secured to said company.

Sec. 28. This act shall be in force from and after its passage.

CHAPTER CCCXXXI.

An Act to incorporate the North Western Christian University.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That F. D. Wheeler, John K. Mentel, J. M. Mathes, Thomas Connelly, Benjamin Irvine, Elijah Goodwin, J. B. Craft, John O. Kane, B. T. Reeve, S. K. Hoshour, George Campbell, Jeremiah Smith, John Brownlee, Ambrose D. Hamrick, Higgins Lane, James Ford, A. E. Drapier, Milton B. Hopkins, J. B. New, R. S. Browne, Michael Combs, O. Butler, L. H. Jameson, J. M. Bramwell, A. Houghton, Jacob Wright, T. J. Edmonson, E. F. Peabody, P. T. Russell, Paris C. Dunning, G. W. New, G. W. Smith, Corbly Martin, B. F. Flinn, M. Cole, D. C. Stewart, Stephen Younger, Thomas Lockhart, John Longly, A. B. Cole, Alfred Davis, M. R. Trimbell, and Thomas M. Adams be, and they are hereby appointed commissioners, under the direction of whom, or any of them, subscriptions may be received to the capital stock of the North Western Christian University, hereby incorporated, and they, or any of them, may cause books to be opened at any time for the purpose of receiving subscriptions to the capital stock of said company, and may continue the same open until such a subscription to the capital stock of said company, as is necessary to its incorporation, shall be obtained.

Sec. 2. The capital stock of said company shall not be less than seventy-five thousand dollars, nor more than five hundred thousand

dollars, in shares of one hundred dollars each, which may be subscribed for by any individual, or corporation, or by any Christian Church Society, or congregation, in the name of its trustee, which trustee shall, however, be personally responsible for such subscription, and as soon as seven hundred and fifty shares of such capital stock shall be subscribed to the satisfaction of said commissioners, or a majority of them, the subscribers of said stock, their successors or assigns, shall be, and they are hereby declared to be incorporated into a company by the name of "The North Western Christian University," and by that name shall be capable in law of receiving, taking purchasing, holding, selling, leasing, and conveying, or using, occupying, and enjoying all such real and personal estate and property as shall or may be necessary or proper for the purpose hereinafter mentioned, not exceeding, however, in value at any one time the sum of five hundred thousand dollars, and shall have perpetuated succession, and by such corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at pleasure, and shall have and enjoy, and may exercise all the powers, rights, and privileges which other corporate bodies may lawfully do for the purposes mentioned in this act.

Sec. 3. That the objects and purposes contemplated by this act of incorporation are hereby declared to be to establish, found, build up, maintain, sustain, and perpetuate, through the instrumentality of said company, at or in the vicinity of the city of Indianapolis, in the State of Indiana, an institution of learning of the highest class for the education of the youth of all parts of the United States, and especially of the States of the Northwest; to establish in said institution departments or colleges for the instructing of the students in every branch of liberal and professional education; to educate and prepare suitable teachers for the common schools of the country; to teach and inculcate the Christian faith and Christian morality as taught in the sacred Scriptures, discarding as uninspired and without authority all writings, formulas, creeds, and articles of faith subsequent thereto, and for the formation [promotion] of the sciences and arts. The affairs and business of the said company, and of said institution, shall be under the control and management of a board of twenty-one directors, to be elected by the stockholders every third year, and that at the election of said directors, and on all other occasions where a vote of the stockholders is to be taken, each stockholder shall be allowed one vote for each share owned by him, or her, and each stockholder may vote either in person or by proxy duly appointed, and authorized in writing so to do.

Sec. 4. So soon as seventy-five thousand dollars of the capital stock of said company shall be subscribed to the satisfaction of said commissioners, or a majority of them, they shall appoint a time and place for holding the first election of directors, of which they shall give such notice as they may deem proper and sufficient; said commissioners, or a majority of them, may also prescribe the manner

of holding and conducting said first election, and subsequently thereto, in every three years, there shall be a like election of directors, to be holden at such time and place, and upon such notice, and in such manner as the board of directors shall prescribe.

Sec. 5. The directors so chosen shall serve as such for the term of three years, and until their successors are chosen, and shall constitute the board of directors of the North Western Christian University. They shall choose one of their own body as president of said board, and may choose either from their own members, or other stockholders in said company, a treasurer, secretary, and such other servants and agents of said company and of said board as to them shall seem necessary and proper, all of whom shall serve as such during the pleasure of the board. The said board shall have power to make its own by-laws, rules, and regulations, and may prescribe and define the right to [and] powers, duties, and liabilities within the limits of this act, and of the laws of the State, of each, any, and all the servants and agents of the said company, or of the said board.

Sec. 6. The said board of directors are hereby empowered to expend any amount which be necessary, not exceeding one-third of the capital stock of said company, in the purchase and procurement of a suitable site and ground for the said institution, and in the purchase of, or the building, and erecting thereon suitable buildings for said incorporation, and in the purchase and procurement of all proper fixtures, appurtenances, apparatus, furniture, library, &c., for the use of said institution, the balance of the said capital stock not so expended and applied shall be kept and retained as a permanent fund for the endowment of the said institution, and may be loaned out by said board upon good and ample security at an interest of six per cent. per annum, payable annually in advance, such interest to be used and applied to, to maintain, sustain, and support such institution.

Sec. 7. The stock subscribed shall be payable to the said board of directors, or to their proper agents, upon their requisition, and said board are hereby authorized at any time, or from time to time, as said board may think proper to make such requisitions, either for the whole or for such share and proportion thereof as said board shall think necessary: *Provided*, That for so much and such share and proportion of each subscription, as by the foregoing section is contemplated to be kept and retained as a permanent fund for the endowment of said institution, each shareholder shall be a preferred borrower, and shall, if he desire it, have the privilege of retaining the same as a loan from said company, upon full and prompt compliance with the terms of this act, prescribed to the borrowers of said fund, and subject to the same conditions and liabilities as other borrowers: *Provided, also*, So long as such stockholder so retaining as a loan, a portion of said subscription shall faithfully and promptly comply with every requisition of the board as to the securing, or further or better securing, the amount so retained by him as

a loan, and shall faithfully and promptly pay the annual interest thereon in advance; he or she may so retain as a loan an amount equal to two-thirds of his or her said subscription, but in case of his or her failure to comply with any such requisitions of the board, or to pay said interest promptly, the right so to retain the same shall be held to be forfeited, and the amount shall thereupon be taken and held to be presently due and collectable.

Sec. 8. In case any subscriber shall fail to make full payment of his subscription as contemplated by the provisions of this act, the board of directors may at any time after said failure, either before or after suit therefor, declare the stock of said delinquent subscriber forfeited, and strike his name and his stock from the books of the company.

Sec. 9. Upon the full payment and security of the amount of his or her subcription as hereinafter contemplated, each subscriber shall receive from the said board of directors a proper certificate or certificates of the numbers of shares and amount of stock held by him or her, which stock shall be transferable and transmissible as other personal property: *Provided*, That no assignment or transfer of said stock shall be recognized, or allowed by the said board or by said company, unless such assignment and transfer be made and entered on the books of the company.

Sec. 10. The said board of directors are hereby authorized to keep the books of said company open to receive further subscriptions to the capital stock of said company, to any amount which they may think proper, not exceeding, however, in the whole the said sum of five hundred thousand dollars; and all such new subscribers shall enjoy the same rights and privileges, and be subject to the same duties and liabilities as the original share holders.

Sec. 11. The said board of directors, in loaning out the funds of the said company, are authorized and required to provide that the same be amply secured by mortgage or otherwise, and said board so often thereafter as they may think it proper or necessary so to do, may require further and additional security to the satisfaction of the said board, from any of the borrowers of said funds; and in case any borrower shall fail to comply promptly with any such requisition of the board, or shall fail to make punctual payment of the annual interest in advance upon his loan, he or she shall thereby forfeit all further credit on such loan, and the amount so loaned to him or her shall be taken and held to be immediately due and payable, and may be collected by due course of law.

Sec. 12. The said board of directors are hereby authorized and empowered, for and in the name of said company, to select and locate in the city of Indianapolis, or in its vicinity, a suitable and proper site and location for the buildings of the institution, and to purchase and procure the same with such adjacent grounds as they may think proper, to be conveyed to the said company in fee, to provide and establish thereon an institution of learning, to be called "The North-Western Christian University;" to purchase and pro-

cure, or build and erect thereon, all such halls, buildings, and edifices as shall be necessary for the use and occupancy of such institution, and to purchase and procure for the use of said institution all proper fixtures, appurtenances, apparatus, furniture, and library, and to open, maintain, sustain, and support the said North-Western Christian University, for the purposes herein specified.

Sec. 13. The said board of trustees [directors] shall have the control and management of the said institution; may establish as many chairs and professors, and appoint such president and professors as they may think proper and remove the same at pleasure; and may by their by-laws and ordinances, determine and define the powers and duties of such presidents and professors, both individually and collectively: *Provided*, No degree shall be conferred or diploma granted except to students who have obtained the same proficiency in the liberal arts and sciences as is customary for students in other similar institutions, to entitle them to the same degrees and diplomas.

Sec. 14. The board of directors shall meet annnually at Indianapolis on the Tuesday next after the fourth Monday in May, in each year, and at such other times as said board may determine, until the opening of the said institution; and thereafter the times and place of their meetings shall be determined by the board, a majority of whom shall constitute a quorum; the president and [or] any three of the directors may at any time call a special meeting of the board.

Sec. 15. From and after the opening of the institution, each stockholder whose stock is fully paid or secured as herein contemplated, shall receive interest at the rate of six per cent. per annum on the amount of his or her stock, payable, however, solely and exclusively in tuition in said institution, at the usual rates for tuition therein, when demanded, and payable to such stockholder, his or her order or assigns, at any time within ten years after such interest shall accrue.

Sec. 16. All property, either real or personal, held by said company, for the purposes hereby contemplated, shall be exempt from taxation.

Sec. 17. This act shall be taken and held as a public act, and shall be liberally construed for every beneficial purpose hereby entertained, [intended] and no omission to use any of the privileges hereby granted shall cause the forfeiture thereof, nor shall any gift, grant, purchase, sale, or conveyance to or for the benefit of said company be defeated or prejudiced by any misnomer, misdescription, or informality whatever.

Sec. 18. This act shall take effect and be in force from and after its passage.

CHAPTER CCCXXXII.

An act to authorize the construction of a Rail Road from Rushville to Lewisville, in Henry county.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Rushville and Shelbyville Rail Road Company, is hereby authorized and empowered to survey, locate, and extend said road from Rushville, or from any other point on the main line of said road, to the town of Lewisville, in Henry county, or to any other point or town on the National Road, distant at least fifteen miles from Knightstown.

Sec. 2. Said company in making such extension, shall, in all things, be governed by its charter, and for such purpose, may increase its capital stock to any desirable amount, and open books for the subscription of stock, the same payable in money or otherwise, and at such times as may be deemed expedient to said company.

Sec. 3. This act shall be in force from and after its passage and acceptance by said company.

CHAPTER CCCXXXIII.

An act for the punishment of misdemeanors in the town of Lafayette, in Tippecanoe county.

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That every person who shall, within the corporate limits of the town of Lafayette, in Tippecanoe county, when such person is in a state of intoxication, locate himself on any street or streets, sidewalk, or public place in said town, or stagger through along, across, or upon any street or streets, sidewalk, or public place, in said town, shall be deemed guilty of a misdemeanor and a breach of the peace and good order of said town, and upon conviction thereof, shall be fined in any sum not exceeding three dollars.

Sec. 2. Every person who shall, within the corporate limits of said town, whether such person be drunk or sober, offer to fight or quarrel with any person or persons, shall be deemed guilty of a

misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding three dollars.

Sec. 3. Every person who shall, within the corporate limits of said town, be engaged in any profanity, cursing, or swearing, or singing indecent or blackguard songs to the annoyance or disturbance of any portion of the inhabitants of said town, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding three dollars.

Sec. 4. Every person who shall, within the corporate limits of said town, be engaged or guilty of any obscene language, or exhibit any lewd, obscene gestures, or conduct, in any of the street or streets, sidewalks, or in any place in said town, to the annoyance of any one, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding three dollars.

Sec. 5. Every person who shall, within the corporate limits of said town, ride at full speed, any horse, mare, or mule, on any of the streets, lanes, alleys, or commons of said town, (cases of necessity excepted,) he, she, or they so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding three dollars.

Sec. 6. Every person who shall, within the corporate limits of said town, deposite or leave, or cause to be deposited or left, any wood, boxes, goods of any kind, brick, stone, dirt, manure or offensive filth of any kind, or other obstruction or nuisance, in any of the streets, alleys, or lanes, sidewa'ks, or public grounds, and shall fail or refusc to remove the same, after having received reasonable notice from the marshall of said town, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding three dollars ; *Provided, however*, That the necessary materials used in the construction or repairing any house, or houses, may remain on one-half of the streets, or alley or other public place adjoining to the lot or lots, on which such house or houses are being erected or repaired, for the space of one month after such house or houses are erected or repaired, without being deemed or taken to be a nuisance or obstruction within the meaning of this act.

Sec. 7. Every person who shall, within the corporate limits of said town, sell, barter, or exchange, or dispose of in any way, either directly or indirectly, any spirituous or intoxicating liquors to any person or persons, in any quantity less than one quart, without first having procured a license to sell or dispose of such liquor, from the "President and Trustees of the Town of Lafayette," in addition to having procured a county license, or permit from the board of commissioners of Tippecanoe county, or the auditor of said county, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in the sum of three dollars for each and every such offence.

Sec. 8. Every person who shall, within the corporate limits of said town, in proper person or by agent or otherwise, show or exhibit any menagerie, caravan, or collection of animals, circus, or any natural curiosity, or wax works or figures, or any feats in tumbling, slight of hand, or rope or wire dancing, or concert, or animal exhibition of any kind, vocal or instrumental, for gain, without being licensed by said president and trustees, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in the sum of three dollars for every such exhibition or show.

Sec. 9. It is and shall be lawful, and is hereby made the duty of the marshal of the town of Lafayette, or any constable residing in said town, or the sheriff of Tippecanoe county, or his deputies, to arrest with or without process, on view or by warrant, all persons found violating the provisions of this act, or any section or clause thereof, and them forthwith convey before any justice of the peace residing in said town, there to be dealt with according to law: *Provided, however*, That if such arrest be made in the night time, or on the first day of the week, commonly called Sunday, or if such person be in a state of intoxication, or from such a state of public excitement, it be improper and inconvenient to have such person or persons tried immediately, before such justice, such marshal, constable, sheriff, or his deputies, shall have full power and authority to commit such offender to the jail of Tippecanoe county, there to remain until such offender can be lawfully and properly tried for the offence by them committed, but in no case shall such person so arrested under the provisions of this act, remain in jail longer than thirty-six hours, unless such person be duly convicted as hereinafter provided.

Sec. 10. Whenever the marshal of said town, or any constable residing in said town, or the sheriff of said county, or his deputies, shall arrest any person or persons without process, or on view, under the provisions of the last preceding section, such marshal, constable, sheriff, or his deputy, shall make a statement in writing, setting forth the offence committed under this act, by the power by them arrested, and deliver the same to the jailor of said county, which shall be sufficient authority for such jailor to retain such person in his custody in the jail of said county, until such offender can be properly brought before the justice for trial.

Sec. 11. In case any person or persons shall hereafter violate the provisions of this act, or any section or clause thereof, any justice of the peace residing in said town, is authorized and required, on complaint made on oath or affirmation, setting forth such violation, forthwith to issue his warrant, directed to the marshal of said town, or to any constable of Fairfield township, and cause such person to be brought before him, to answer unto said complaint, and be further dealt with according to law, and when such person so arrested, shall be brought before said justice, said justice shall proceed to hear and determine upon the complaint, and in case such person so arrested and apprehended, shall be found guilty by said justice, such justice shall assess againt such offender such fine as is declared in this act not exceeding three dollars, and in default of such offender paying such fine, and the costs of prosecution or

entering good replevin bail on the docket of said justice, and to his acceptance, to stay such fine and costs so assessed for the term of ninety days, such justice of the peace shall issue a mittimus, directed to the marshal of said town, or to any constable of Fairfield township, to commit such offender so fined to the jail of Tippecanoe county, there to remain until said fine and costs are paid or replevied or he otherwise be discharged from imprisonment according to law.

Sec. 12. Any person committed to the jail of Tippecanoe county by virtue of a conviction and judgment, according to the provisions of this act, after having been imprisoned one day for every fifty cents of the fine and costs upon him, and having taken an oath before some officer authorized to administer oaths, that he has no moneys, rights, credits, or effects in his possession or under his control, or in the possession of any other person or persons for his use, whereby or wherewith he can pay the said fine and costs or secure the same, shall be discharged from imprisonment.

Sec. 13. In all cases where a person shall be imprisoned in the jail of said Tippecanoe county for inability to pay a fine imposed upon them, by the judgment of the justice of the peace, as in this act provided, and shall have been discharged, in the manner above provided, the costs of keeping said defendant in prison shall be paid by the county of Tippecanoe as county expenses.

Sec. 14. In all cases in which the attorney of the corporation of said town of Lafayette shall prosecute for any of the misdemeanors in this act provided against, he shall be entitled to a docket fee of two dollars and fifty cents in each and every case so prosecuted, and the officer serving process, and the justice trying such cases, and witnesses attending to give testimony, shall be entitled to the same fees allowed in other criminal cases.

Sec. 15. The inspectors in the several districts of said town, at the election for trustees on the first Monday in May next, shall ask each voter whether he is in favor or against this law, and shall record the answer of such voter, and report the same to the clerk of the circuit court of said county, and if a majority of votes at such election be given in favor of this law, then the same shall be in force in said town, and shall be published in one or more of the newspapers of said town, at the expense of the said board of trustees.

Sec. 16. This act is hereby declared a public act, and shall be in force from and after its passage and adoption as aforesaid, and the Secretary of State is required to forward a certified copy of this act immediately to the clerk of the Tippecanoe circuit court.

CHAPTER CCCXXXIV.

An act to incorporate the Tippecanoe Monumental Association.

[APPROVED JANUARY 17, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Isaac Blackford, Charles Dewey, Jeremiah Sullivan, John H. Thompson, Isaac Naylor, Elisha M. Huntington, Samuel Hall, David McDonald, James H. Lane, Abner T. Ellis, David P. Holloway, John J. Morrison, John S. Davis, Godlove S. Orth, Othaniel L. Clark, Robert C. Gregory, John D. Smith, Rudolph S. Ford, Samuel Hoover, John B. Dillon, John P. Usher, Allen Hamilton, Horace P. Biddle, Schuyler Colfax, James Blair, George K. Steele, Eli Murphy, Samuel W. Parker, Alexander C. Stevenson, George G. Dunn, Joseph H. Defrees, Smith Vawter, and Chauncey C. Blair, and their associates and successors duly chosen as herein provided, are hereby constituted a body politic and corporate, by the name and style of "The Tippecanoe Monumental Association," and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued; and shall have power to make and use a common seal, and the same to alter at pleasure; and to establish such by-laws and regulations as may be necessary to carry into effect the provisions of this act, not inconsistent with the constitution or laws of this State or of the United States.

Sec. 2. The persons named in the first section of this act, or any five of them, shall meet in the city of Lafayette, on any day that may be agreed upon, prior to the first day of July next, and organize by electing one of their number president and treasurer, and such other officers as may be deemed necessary, who shall hold their offices for the term of one year, and until their successors are elected and qualified.

Sec. 2. The said association shall meet annually in the city of Lafayette on the first Monday in November, and as much oftener as may be determined by their by-laws, and when so met shall have power to fill all vacancies that may occur in their number by death, resignation, removal from the State, or otherwise, and any five members shall constitute a quorum for the transaction of business.

Sec. 4. The treasurer of said company shall have the possession of all the funds of said association, subject to their control. He shall invest and re-invest the same from time or time, and be responsible for any loss or defalcation that may occur to said funds; and before entering upon the duties of his office he shall execute bond with security, to be approved by the Secretary of State in the sum of ten thousand dollars, which bond shall be filed in the office of such secretary, payable to the State of Indiana, and conditioned for the faithful performance of the duties imposed on him by this act and the by-laws of said association: *Provided, however*, That the legislature reserves the right at any time to appoint such treasurer, and require such bond as they may deem proper.

Sec. 5. Said association shall have the exclusive control of the grounds belonging to the State of Indiana known as the Tippecanoe Battle Ground, and shall have power to enclose the same, to protect the trees and shrubbery thereon, and to erect suitable monuments or momentos to commemorate the valor and bravery of William Henry Harrison and his companions in arms.

Sec. 6. They shall have power to appoint an agent or agents to solicit donations to their funds from individuals or corporations; and the several boards doing county business in this State are hereby authorized to make such donations to said funds out of their respective county treasuries, as may be deemed prudent and expedient; and the Treasurer of State shall pay to the treasurer of said association, on demand, all moneys now in the State Treasury known as the "Tippecanoe Monumental Fund," or that may hereafter come into the treasury for the use of said fund.

Sec. 7. So soon as the accumulated funds of said association shall amount to the sum of three thousand dollars, said association shall proceed to erect a suitable and permanent enclosure around said Battle Ground, of stone foundation with iron railing thereon, and as soon thereafter as said funds shall amount to the sum of twenty thousand dollars they shall commence the construction and erection of a monument on or near the center of said ground, of durable materials and of such height and dimensions as shall be worthy of a nation's pride and gratitude.

Sec. 8. Said association shall keep a record of all their transactions, and also a record in which shall be entered at full length the name of each donor to said fund, whether individual, corporation, or county, and the amount of each donation, and when said monument shall be fully completed they shall make out and file in the State Library a fair and correct copy of their record of donations.

Sec. 9. The funds of said association shall under no pretext whatever be diverted from the objects herein contemplated, except such incidental expenses as may be necessarily connected therewith, and the compensation that may be allowed to their agents for soliciting donations.

Sec. 10. Should any officer, member, or agent of said association use or convert any of their funds to their own use, or refuse to pay them over to the treasurer on demand, he or they so offending shall be deemed guilty of grand larceny, and upon conviction thereof in any court having competent jurisdiction by presentment or indictment shall be fined in the discretion of the jury trying the same, and imprisoned in the State Prison not less than one nor more than five years.

Sec. 11. So much of the act entitled an act to provide for the erection of a monument on the Tippecanoe Battle Ground, approved January 19th, 1846, as conflicts with this act is hereby repealed.

Sec. 12. This act is declared a public act, and shall be in force from and after its passage, and shall be published in the Indiana State Sentinel and Indiana State Journal.

CHAPTER CCCXXXV.

An Act incorporating the Crawfordsville and Terre Haute Plank Road Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Milligan, Joseph Milligan, Isaac Rice, David Willis, Thomas Talburt, Thomas Craig, Eleazer Fullenwider, David Fullenwider, Benj. Smith, Preston McCormack, Wm. H. Peterman, Thomas Owen, John Huff, Daniel Brown, Geo. Rhoads, Alexander Burkhomeon, and their associates and successors be, and they are hereby constituted a body politic and corporate, under the name of "The Crawfordsville and Terre Haute Plank Road Company," and by that name may contract and be contracted with, may sue and prosecute, and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction, and do and perform all other things legitimate for such company to do, and they are hereby invested with all the powers and privileges in anywise necessary or expedient to carry into effect the proper business of the association.

Sec. 2. The capital stock of the company shall consist of one hundred thousand dollars, with the privilege of increasing the same at any time to any sum that may be deemed expedient to carry into execution the legitimate objects of said company; and said stock shall be deemed personal property and subject to execution as is other personal property.

Sec. 3. The stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, company, county, or State, to be paid for in cash, labor, or any kind of property, real or personal, that may be agreed upon, and in such way and manner, and at such times and places as shall be by the company prescribed.

Sec. 4. Any seven of the persons named in the first section of this act shall constitute a quorum for doing business, and so soon as may be deemed expedient they shall meet at such place as may be by them agreed upon, and shall proceed to open books for the subscription of the capital stock, and do all other things needful for the full organization of the company.

Sec. 5. In case a quorum shall fail to attend at any time and place agreed upon, those attending may either adjourn to another day, or they may consider the stations of the absentees, or any of them, as vacated, and appoint some proper person or persons to fill the same.

Sec. 6. So soon as may be deemed expedient, after ten thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time and place for holding an election for five directors, each of whom shall be a stock-

holder to the amount of at least two shares; said commissioners shall in all things manage such election and give proper certificates to the persons elected, who shall hold their offices for one year, and until their successors are duly elected and qualified.

Sec. 7. At said election, and each subsequent election, each stockholder shall have one vote on each share of stock by him owned, and may vote in person or by proxy, given in writing.

Sec. 8. The time, place, and manner of holding all subsequent elections of directors shall be regulated by the by-laws of the company, except that the elections shall be held annually as nearly as may be convenient.

Sec. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all the other things belonging to the company. Said directors shall choose one of their number to act as president; they shall also appoint a secretary and treasurer, and this mode of organization and qualification shall be observed and continued by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business and to supply all vacancies that may occur in their own body.

Sec. 10. Said company shall have power to view, mark, locate, and construct a plank road from Crawfordsville, in Montgomery county, *via* Waveland, to Terre Haute, in Vigo county, and in constructing said plank road, said company may follow such plan and use such materials as they may deem most expedient, and if it shall be found necessary and advantageous to the location and construction of said plank road, the corporation shall have the right to lay the same along and upon any State or county road.

Sec. 11. Said company may adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of the company may require, and such as are expedient to perform the duties and carry out the powers vested by this act. They shall also have the power to appoint all needful officers, agents, and operatives, and require them, or any of them, to give such bonds as may be deemed expedient, to enforce the payment of all stock subscriptions at such time and place, and in such proportions as may be agreed upon under pain of forfeiture of the shares of stock by the delinquent, and the payment made thereon to the company, or to sue for and recover the amount due in an action of assumpsit, at their option; to issue proper certificates of stock, and regulate the mode of transferring the same; to acquire, lease, sell, and dispose of such real estate as may be expedient for the interest of the company; to enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners of the land and materials for such damages as may be just and reasonable, when the same are not voluntarily relinquished; to keep said road in repair; to erect, continue, and keep toll-gates; to establish, charge, and collect [tolls] from all such as may use said

road; to make and declare dividends of profits to the holders of the stock; and to do all other proper acts expedient to be done in accordance with the intent and meaning of this act.

Sec. 12. If any person or persons shall wilfully and knowingly injure or obstruct said road, or anything belonging thereto, such person or persons, on conviction thereof, before any court of competent jurisdiction, shall pay, for the use of said company, twice the amount of damages and costs of suit.

Sec. 13. Plain and accurate accounts of the receipts and expenditures of said company, specifying clearly the nature of each, shall be kept by the company, and shall at all times be subject to the inspection of the stockholders whenever any two of them shall apply at the same time for such inspection.

Sec. 14. The service of legal process on the president, treasurer, or secretary of said company, shall be held in all courts and places of sufficient service on said company, and on the trial of all suits and prosecutions brought by said company, the regularity of all their proceedings to entitle them to sue or prosecute shall be presumed, but no common law ground of defence, when made to appear, shall be by anything herein contained be construed to have been taken away.

Sec. 15. The signature of the president of said company, attested by the secretary, shall be deemed full evidence and authentication of any act of the company, unless it may be in such cases as the by-laws may require to be authenticated by the common seal of the company, and such seal they are authorized to devise, adopt, and use.

Sec. 16. The said company shall, under pain of forfeiture of their charter, begin the construction of said road within three years and complete it in six years.

Sec. 17. It shall not be lawful for the said company to erect or maintain any toll-gate within a mile and a half from the towns of Crawfordsville, Rockville, or Terre Haute, and in all matters respecting the right of way, or the use of public roads, or in any other matters not expressed in this charter, the company shall be subject to the provision of the general plank road law, an act, entitled "An act authorizing the construction of plank roads," approved January 15, 1849.

Sec. 18. This act shall be in force from and after its passage, and be deemed a public act, and shall be liberally construed, and it may be repealed at any time if said company shall forfeit its charter.

CHAPTER CCCXXXVI.

An act to incorporate the Richmond and Liberty Turnpike Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William W. Lynde, James P. Burgess, John Sedgwick, Christopher Beeler, and William L. John, and their successors in office duly elected as hereinafter directed, be, and are hereby constituted and appointed a body corporate and politic, and by the name and style of "the Richmond and Liberty Turnpike Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever, to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the constitution and laws of this State.

Sec. 2. The capital stock of said corporation shall be thirty thousand dollars, divided into shares of twenty-five dollars each, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated, and said company shall have full authority to receive said subscriptions of stock in cash, labor, or materials for the construction of said road.

Sec. 3. Said company shall have power to mark out, make, and construct a turnpike road from Richmond, in Wayne county, to Liberty, in Union county, via the cross roads at a point generally known as the White School House, in Wayne county, and for that purpose all the provisions of a law entitled "an act to incorporate the Richmond and Newport Turnpike company," approved January 5, 1849, be, and the same are hereby made a part and parcel of this charter, and said Richmond and Liberty Turnpike Company shall have all the privileges and benefits conferred by said charter, on the Richmond and Newport Turnpike Company, so far as the same may be applicable to the objects of said company.

Sec. 4. This act to be in force from and after its passage.

CHAPTER CCCXXXVII.

An act to amend several acts incorporating Turnpike Roads therein named.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Madison and Brownstown turnpike road company, the Madison, Lexington, and Brownstown turnpike company, and the North Madison turnpike company, be, and the same are hereby severally authorized to lay down and build a plank superstructure on their respective roads, or any part or portion thereof, the same to be made under the direction of their respective companies in the place and stead of McAdamizing or turnpiking the same as in the acts to which this is an amendment is now authorized.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCCXXXVIII.

An act to incorporate the Jefferson County Historical Society.

[APPROVED, JANUARY 21, 1850.]

Section 1. *Be it enacted by the Generel Assembly of the State of Indiana*, That Milton Stapp, William G. Wharton, C. P. J. Arion, D. D. Jones, and Michael C. Garber, and their successors in office, be, and they are hereby created a body corporate and politic, by the name, style, and title of "the Jefferson County Historical Society," with power to organize and transact business under and by the authority of the 32d chapter, article 2d, of the revised code of 1843.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCCXXXIX.

An act for the relief of George Donaldson, of the county of Lagrange.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is hereby made the duty of the board doing county business in the county of Lagrange, to inquire into the facts in regard to the purchase and forfeiture by George Donaldson, of certain school lands in township 37 north, of range 11 east, in said county, and if, upon such inquiry, they find that said land was purchased in good faith, and that said Donaldson actually forfeited said land, and any amount which he may have paid, either in principal or interest on said purchase, in consequence of misfortune, and if the said board do further find that the same land has since been sold to another purchaser, and the money paid therefor for an amount eqal to that which according to the terms of the purchase by said Donaldson, he was to have paid, including interest from the date of said Donaldson's purchase, then the said board shall issue a certificate to the said Donaldson, for any amount he may so have paid and forfeited, either as principal or interest, which such certificate is hereby made receivable by the proper officer for all dues to the township in which the said land purchased by the said Donaldson is situated, on account of the school fund: *Provided*, That nothing herein contained shall be so construed as to compel the said board doing county business to give the certificate aforesaid, if in their opinion it is not demanded by justice, nor unless it can be done without loss to the school fund as aforesaid.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXL.

An act to incorporate the Fort Wayne, Auburn, and Steuben Plank Road Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Spencer, Saul Hanna, and James Vandolah, of the county of Allen, Robert Work, Saul W. Spott, Wesley Park, Samuel Rolston, and John Baxter, of the county of DeKalb, and

their successors in office, duly elected as hereinafter directed, are hereby constituted and created a body politic and corporate, by the name and style of the "Fort Wayne, Auburn, and Steuben Plank Road Company," and by such name and style shall have power to sue and be sued, contract and be contracted with, plead and be impleaded, answer and be defended, in all suits and in all courts whatsoever, to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same.

Sec. 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of twenty-five dollars each, with power to increase the capital stock, if necessary to accomplish the object herein contemplated.

Sec. 3. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such places as they may choose, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in labor, materials, land, or money, in such manner, and at such times and proportions, as the President and Directors of the Fort Wayne, Auburn, and Steuben Plank Road Company may direct; the value of all subscriptions other than cash to be settled by the Board of Directors, and shall be appraised at what the board shall consider their actual cash value at the time of payment. Witness our hands and seals, this —— day of ——, A. D. 18—."

Sec. 4. It shall be lawful for all persons of lawful age, for the agent of any corporation, for the agent of the United States on behalf of the same, the mayor and common council of any city, and the trustees of any town or village within the United States, to subscribe for any amount of capital stock in said company, and the books shall be kept open at such place or places in the United States, and for such periods of time as the corporation may direct, and for the purpose of raising money to complete the road contemplated by this charter, or any part thereof, the said corporation shall have power to borrow money, either by mortgage of the road, or in any other manner that may be agreed upon between the corporation and the party or parties of whom the loan may be obtained.

Sec. 5. The corporation, by their agent, shall have power from time to time to examine, mark, and locate the route of said plank road, from any point on the Fort Wayne and Lima Plank Road which they may think most advantageous to the interests of the company, through the town of Auburn, in De Kalb county, to any point the company may think proper in Steuben county, with power to diverge from a direct line, for the interest of the company and public convenience.

Sec. 6. Sections three, four, seven, eight, nine, ten, eleven,

twelve, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-one, of an act entitled "An act to incorporate the Fort Wayne and Bluffton Turnpike Company," approved January 16, 1849, are hereby declared to form and constitute a part of this act, and all the rights, privileges and powers by said sections conferred upon the said "Fort Wayne and Bluffton Turnpike Company," shall also be, and are hereby conferred upon the said Fort Wayne, Auburn, and Steuben Plank Road Company, hereby incorporated.

Sec. 7. This act shall be deemed and taken to be a public act, and shall be in force from and after its passage.

CHAPTER CCCXLI.

An act to incorporate the trustees of the Indiana Female Normal School.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Read, M. M. Campbell, J. D. Maxwell, John Orchard, and Levi Hughes, together with five others to be appointed, as hereinafter provided and their successors, be and they are hereby constituted a body politic and corporate, under the name and style of the Trustees of the "Indiana Female Normal School," and by such name shall have succession and exist forever.

Sec. 2. The five trustees to be appointed, whose names are not given above, together with their successors, shall be apppointed by the Synod of Indiana, in connection with the General Assembly of the Presbyterian Church of the United States of America, commonly known and distinguished as the Old School Presbyterian Church. The successors of the five whose names are given above shall be appointed by the board of trustees hereby constituted. The said board shall hold their first meeting at such time and place as any five of the members may agree upon, and any five of the persons by this act constituted trustees being so met shall be a quorum for business, and the board shall thereafter meet annually, or oftener at such times and places as they shall by this our ordinance appoint. The said board shall at their first meeting, divide in such manner as they shall think proper, the members thereof into three classes, or as near thereto as may be, one of which classes shall go out of office each year at such time and in such order as shall be determined by the board at their first meeting, but the members of said

board shall always continue to hold their office until their successors shall be appointed.

Sec. 3. The said trustees by this act incorporated shall have power at any legal meeting to elect a president of their own body, a secretary, a treasurer, and such other officers as they shall think proper, whose term of office and whose duties shall be such as the board shall appoint, to remove the same, to establish such ordinance and by-laws not contrary to the Constitution and laws of this State or of the United States, as they may think fit for their own government, and also to alter, amend or repeal the same; also, to establish and maintain in the town of Bloomington or its vicinity in the county of Monroe and State of Indiana, a seminary of learning to be known by the name and style of the "Indiana Female Normal School," for the education of the daughters of our people of every class and denomination who shall resort thereto; also to establish the course of studies in all the departments of said school, to appoint a principal and instructors therein as they may think proper and to remove the same, which principal together with such of the instructors as the trustees may include shall be known by the name of the "Faculty of the Indiana Female Normal School," and in said name shall have power to conduct the instruction and government of said school, subject to such ordinance as the trustees may establish. Said trustees and faculty shall have power and authority to hold such public examinations and exercises as they may determine and to graduate with literary honors such pupils as shall be found from time to time to merit the same by their character and acquirements; also to confer upon all such pupils as they shall deem worthy thereof all such literary honor and degrees by diplomas or otherwise, as are usually conferred by the best female institutions. The said trustees and their successors shall moreover have power to make and use a common seal and to renew and alter the same at pleasure. They shall be and are hereby made capable by law under the name of the "Trustees of the Indiana Female Normal School;" to have, possess, purchase, receive, enjoy, and retain, hold and dispose of, for the use of said school, lands, tenements, annuties, and other hereditaments in fee simple or for a term of years, life, lives or otherwise, and also money, lands, bills, notes, goods, chattels, interest and effects of what nature, quality or kind soever, by the gift, bargain, sale or devise of any person or persons, body politic or corporate capable of making the same, and the same to grant, demise, sell, alien, and confirm in such manner as they shall judge most conducive to the interests of said school. This corporation shall not hold a greater amount of real estate than the value of fifty thousand dollars, which said amount shall be exempt from taxation, until otherwise directed by the Legislature. The said trustees and their successors by their name as aforesaid shall be capable in law to sue and be sued, plead and be impleaded, in any court or courts of record, before any judge, justice or justices within the State or elsewhere, in all manner of

suits, complaints, pleas, causes, matters, or demands of whatsoever kind, nature or form they may be, and all and every other matter; therein to do in as full and effectual a manner, as any person or persons, bodies politic or corporate of such nature within the State may or can do.

Sec. 4. This act is hereby declared to be a public act and shall be construed liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gift, grant, or conveyance or devise to or for the benefit of the corporation be defeated or prejudiced by any misnomer, misdescription, or informality whatever; *Provided*, That the intention of the parties can be shown or ascertained beyond a reasonable doubt.

Sec. 5. The State reserves the right to alter and amend this act at any time by a vote of two-thirds of each House of the General Assembly; *Provided*, That no alteration be made which will change or affect the fundamental principle on which or the object for which this school is established.

Sec. 6. This act shall take effect and be in force from and after its passage.

CHAPTER CCCXLII.

An act to change the name of Virginia Young to that of Virginia McAfee.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Virginia Young be and the same is hereby changed to that of Virginia McAfee.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCCXLIII

An act to incorporate the Firemen and Mechanics' Insurance Company.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be and is hereby established in the city of Madison, an Insurance Company, with a capital stock of one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and subscribed and paid for by individuals, companies, or corporations, in manner hereinafter specified, which stockholders and subscribers and their successors, shall be and are hereby created a body politic and corporate, with perpetual succession, by the name and style of the Firemen and Mechanics' Insurance Company, for the period of one hundred years, from and after the passage of this act, and by that name, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate, as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or in the payment of any debt which may become due, or owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of any court of equity in their favor, and may have and use a common seal, and the same alter, change, break, or renew at pleasure, and may also make, ordain, establish, and put in execution, such by-laws, ordinances, rules, and regulations, as shall be necessary and proper for the good government of said company and the prudent and efficient management of its affairs; *Provided*, That no by-laws, ordinances, rules, or regulations of said company, shall in any way contravene the constitution and laws of this State, or the United States; *And provided also*, That said company shall not at any one time own or hold a greater amount of real estate than shall be of the value of fifty thousand dollars.

Sec. 2. That said company or corporation shall have full power and lawful authority to insure all kinds of property against loss or damage by fire or any other cause or risk, to make all kinds of insurance against all loss or damage on goods, money, merchandize, and produce in the course of transportation or otherwise, whether on land or on water, to make all kinds of insurance upon vessels or boats, wherever they may be, to make all kinds of insurance on life or lives, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business and against any maritime or other risk upon the interest which they may have in any vessel, boat, goods, merchandise, or other property by means of any loan or otherwise, and generally to perform and

do all other necessary matters and things connected with and proper to promote these objects.

Sec. 3. That it shall be lawful for said company to invest any part of their capital or stock, moneys, funds, or other property in stock or funded debts created or to be created, by or under any law of the United States, or of this or any other State, or in the stock of any chartered bank of this State, or of the United States, or any branch thereof, and the same to sell and transfer at pleasure and again to invest the same, or any part thereof, in such stocks or funds, whenever and so often as the exigencies of said corporation, or a due regard to the safety of its funds may require, or may loan the same or any part thereof, to individuals or corporations on real or personal security, for such periods of time and under such restrictions and limitations, and upon such terms as the directors thereof, for the time being, shall deem prudent and best for the interest of said company. That the office of "the Firemen and Mechanics' Insurance Company," be and the same is hereby authorized to deal in exchange and the discount of promissory notes, and to receive cash and bank bills of any incorporated bank, on deposite, for such time and on such interest as may be agreed upon and discount or loan the same, or such other funds as they may have on hands, upon such terms and conditions, and upon such rate of interest as may be agreed upon between said company, and the person or persons, company, or corporation discounting or borrowing the same, not exceeding the rate of interest individuals are allowed by law to receive at the time of such discount or loan, and said company may deduct or retain the interest in advance on the amount discounted or loaned; and said company may borrow money or cause any notes, bills, or obligations for the payment of money which it may receive in the course of its business, to be discounted, and may insure and transfer the same, but it shall not be lawful for said company to charge or receive any premium for endorsing or underwriting any note, bill, or other obligation for the payment of money; *Provided, however*, That all deposits made in said office, shall be refunded and paid by said corporation, on demand, in specie or its equivalent, except when special deposits are made, which shall be refunded and paid as agreed upon; *And provided also*, It shall not be lawful for said corporation to issue bills of credit or bills payable to order or bearer as a circulating medium.

Sec. 4. That in all cases where said company shall refuse to pay deposits in said office, on demand, where no agreement has been made, or when the time for which such deposit was made, has expired, the amount of the same may be recovered by motion or suit in any court of competent jurisdiction, ten days' previous notice of said motion, if before the circuit court, and three days' notice if before a justice of the peace, having been given and upon judgments rendered therein, and upon all other judgments against said corporarion for deposits, there shall be allowed ten per cent. damages and interest after the rate of six per centum from the date of

such legal demand, and upon which judgments, there shall be no stay of execution.

Sec. 5. That it shall be sufficient service on the company hereby created, to execute the writ or notice on the president or secretary, or a majority of the board of directors, for the time being, and such service shall authorize judgment or proceedings by default, against the corporation, without appearance or plea by said corporation, in the same manner that judgment or proceedings are taken by default against individuals on the service of process.

Sec. 6. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, and direction, and control of a board of directors of not less than five nor more than nine, who shall be stockholders and citizens of the State of Indiana, and after the first election, they shall be elected by the stockholders on the first Monday in October, annually, at such time of day and at such place in the city of Madison, as said directions for the time being, shall direct; they shall hold their offices for the term of one year, and until their successors shall be chosen, and notice of such election shall be advertised and published for three weeks next preceding the same, in a newspaper printed in said city, and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose, and at every such election, and all other meetings of the stockholders, held under the provisions of this act, each stockholder shall be entitled to one vote for each share, and any stockholders not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting, and in case it should so happen that an election of directors should not be made, on any day when, by this act, it ought to have made, it shall and may be lawful for said company to make an election for directors on any other day in such manner as may be provided for by the by-laws of said corporation.

Sec. 7. That the directors duly chosen under the provisions of this act shall, as soon as may be after the first and every annual election, elect a president from their own body, who shall preside in the board until the next annual election; and in case of his death, resignation, or absence, the board shall appoint a president *pro tempore*; they shall fill all the vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions, and limitation not inconsistent with the provisions of this act, and the by-laws, rules and ordinances of said company as the directors shall,

for the time being prescribe; they shall make such by-laws, rules, and regulations for their own government, and for the management and disposition of the stock, property, estate funds, and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act and the by-laws, rules, ordinances, and regulations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings agreeably to their own regulations, and at such times as the president thereof for the time being shall order and direct, and a majority of the whole number shall constitute a quorum and be competent to the transaction of business within the scope of their powers and connected with their duty; and all questions before the board shall be decided *viva voce* by a majority of the directors present, and any two of whom may require the yeas and nays to be taken, on any proposition submitted, and entered on the journal of their proceedings, and no vote shall be rescinded by a less number than were present and voting when the original vote was taken. And the directors of said company shall in the first weeks in January and July annually, make and declare such dividends of profits resulting from their business as shall not impair or in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: *Provided*, That no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

Sec. 8. Said directors shall have power, from time to time as the business of said company may require it, to increase the capital stock of said company to the sum of one hundred and fifty thousand dollars, on such terms and conditions, and in such manner as they may deem best: *Provided however*, That previous to the creating of any additional stock hereby contemplated, and previous to all such times as it may be increased, said company shall, by publication in two or more newspapers of general circulation in the county of Jefferson, give thirty days' notice, setting forth in every particular how much and in what manner said stock is to be increased, and how the same is to be paid or secured, and shall cause a communication setting forth the same matters to be addressed to each stockholder in said company, and deposited in the post office at Madison, directed to such post office as it is understood the stockholder so addressed usually receives his communication at, thirty days previous to such increase of stock.

Sec. 9. That all policies of insurance which may be made or entered into by said corporation, shall be subscribed by the president or president *pro tempore*, or such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary, and being so signed and attested, shall be binding and obligatory on said corporation, with or without the seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the

board of directors, by the president and secretary, or the secretary, subject, nevertheless, to the by-laws, rules, ordinances, and regulations established by the board of directors. It shall be the duty of the secretary, at every annual election, or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said company.

Sec. 10. The stock of said company shall be assignable and transferable on the books of the same, or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations as may be established by the directors; and all such stock shall be held and considered as personal property.

Sec. 11. That any number of the stockholders who shall at any time be the owners of one-tenth part of the stock sold, shall have power to call a general meeting of the stockholders by giving two weeks' notice in some newspaper printed in the city of Madison, of the time and place of such meeting, and the stockholders present in person, or by proxy, at such meeting, shall decide all questions proposed for consideration by a plurality of votes, and may make and prescribe such by-laws, ordinances, rules, and regulations as to them may appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

Sec. 12. The books for the subscription to the capital stock of said company shall be opened in the city of Madison, by and under the direction of David White, John Marsh, John Kirk, R. E. Stratton, and Jesse Whitehead, or a majority of them, who are hereby appointed commissioners for the purpose, whose duty it shall be to give notice of the time and place of opening books for subscription in a newspaper printed in said city; and it shall be lawful for any individual, company, or body corporate, to subscribe for any number of shares; and such individual, company, or body corporate shall, at the time of subscribing, pay to the said commissioners one dollar on each share so subscribed; to give two weeks' notice in some newspaper printed in said city of Madison, of the time and place for the stockholders to meet and elect the first board of directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected shall constitute the first board, and shall continue in office until the next annual election.

Sec. 13. That so soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to the said board of directors all moneys that may be in their hands belonging to said company, and deliver over to them all books and papers belonging to said company; and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockholder the full amount of the stock by them respectively subscribed, which payment shall be made either all in cash, or ten per cent. of the amount of the stock must be paid in cash, and the balance secured upon real or personal

security to the satisfaction of the directors; and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company the amount paid on such stock at the time of subscribing: *Provided*, Said corporation shall not commence business or grant any policies of insurance until two thousand shares are subscribed and paid for, or secured to be paid as aforesaid. All the balance of the stock of said company shall be offered for sale at such times and places, and upon such terms and conditions as the directors for the time being may from time to time direct.

Sec. 14. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance on any kind of property, real or personal, against loss or damage by fire, or any other cause or risk, on any goods, money, merchandise, or produce, whether on land or on water, on any vessel or boat whatever, and wherever they may be, on life or lives, or discount any foreign or domestic bill of exchange, bond, note, or obligation, it shall be lawful to charge such rate of premium or interest, under the limitations contained in section third of this act, as may be mutually agreed upon between the parties.

Sec. 15. That whenever any property real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vender or venders to assign such policy to the vendee or vendees of such property, and such assignee or assignees shall have the full benefit thereof: *Provided*, That before any loss happens, notice shall be given said company of said assignment: *And provided*, Said company when so notified shall be at liberty to return a rateable proportion of the premium, and thereupon be exonerated.

Sec. 16. That whenever said company shall be notified of any loss sustained or incurred on any policy of insurance granted or issued by the same, it shall be the duty of said company or corporation to pay the amount so lost or incurred on such policy, within sixty days after being so notified: *Provided*, There shall have been no violation of the conditions of the policy on the part of the insured; and on all judgments obtained by said corporation, there shall be no stay of execution, except on judgments for money loaned and on discounted promissory notes, upon which said judgments for money loaned and discounted notes, there shall be allowed the same stay of execution, as is now or may hereafter be allowed by law in other cases.

Sec. 17. It shall not be lawful for any director of this company to be a director in any banking institution, or branch of the State Bank of Indiana, or any other insurance company, while he is a director of the Firemen's and Mechanics' Insurance Company.

Sec. 18. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose, and the legislature reserves the right to repeal this charter at any time.

STATE OF INDIANA, }
SECRETARY OF STATE'S OFFICE, } SS:

I, Charles H. Test, Secretary of State for the State aforesaid, certify that I have compared the foregoing with the enrolled Acts from which they were taken, now on file in my office, and have found them correctly printed. Words included [thus] were by me inserted to aid the sense.

{ L.S. } In witness whereof I have hereunto set my hand and affixed the seal of the State, at Indianapolis, this 5th day of April, A. D. 1850.

CHARLES H. TEST,
Secretary of State

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